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# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
PRESIDENT

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

DOCUMENTS DEPT.

JUL 6 - 2004

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**REGULAR MEETING**
**WEDNESDAY, JULY 7, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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#1
7/7/04
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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Presentation of a Citizen's Award for assisting during an arrest situation
   b. Update on the Department's Budget
   c. Update on the Officer-involved shooting incident on June 29, 2004
   d. Presentation on the Department's Diversity Training
   e. Presentation on the Department's Disciplinary Case Tracking System
   f. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Presentation on OCC cases eight months and older
   b. Review of Recent Activities

3. Discussion and possible action to approve Revised General Order 10.10, "Motor Fleet" (ACTION ITEM)

4. Disposition on the Disciplinary Charges filed against Officer Michael V. Celis (File No. C03-119 JWA) (ACTION ITEM)

5. Discussion and possible action to dismiss disciplinary charges against Officer David M. Burns (File No. OCC 0212-98), Officer Nikolaus Borthne (File No. OCC 0212-99), Officer Gabriel Gallaread (File No. OCC 0403-99), as required by the settlement of *San Francisco Police Officers Association v. CCSF,* San Francisco Superior Court No. 324625 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Notice of assignment and setting of date for hearing on disciplinary charges filed against Captain Patricia A. Jackson (File No. C04-106 JWA)
   b. Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-105 JWA)
   c. Scheduling of items identified for consideration at future Commission meetings

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, JULY 7, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

7. Approval of minutes of the Police Commission Meeting of June 9, 2004 (ACTION ITEM)

8. Public Comment
***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

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The proceeding will be held at: City Hall, Room 400
21 Dr Carlton B. Goodlett Place, San Francisco

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JULY 7, 2004 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**CHIEF'S REPORT**

a. **Presentation of a Citizen's Award for assisting during an arrest situation**
b. **Update on the Department's budget**
c. **Update on the Officer-involved shooting incident on June 29, 2004**
d. **Presentation on the Department's Diversity Training**
e. **Presentation on the Department's Disciplinary Case Tracking System**
f. **Review of Recent Activities**

Chief Fong stated that the Mayor took a tour of the Crime Lab to look at the forensics capability of the department and to look at hiring additional criminalist to support efforts to suppress violent crime and prepare cases for trial. The Mayor was also shown a demonstration of the Crime Mapping Program. Chief Fong introduced the different members that will be making the presentations listed under the Chief's Report.

Lieutenant Kerr, Sexual Assault Unit, presented a citizens award to Mr. Paul Angelo for assisting in the arrest of a sexual predator.

Commissioner Renne thanked Mr. Angelo on behalf of the entire Commission.

Captain Lynch presented an update on the SFPD budget. He stated that on May 25th and July 2nd, the budget was presented to the Budget Committee of the Board of Supervisors. The department agreed to a total of $1,825,209 reduction for fiscal year 2004 and 2005. The department also made motions that were accepted to make re-allocations of the budget. The budget committee agreed to the hiring for four criminalist positions; increase funding for SAFE program; televising of Police Commission meetings; $50,000 move from miscellaneous salaries to the OCC. Captain Lynch thanked Commissioner Sparks for her support and dedications. He stated a lot of hours were dedicated to supporting the department in the presentation of this budget. He also thanked Officer Rowena Wilson for her work and support.

Commissioner Orr-Smith asked about the $50,000 for OCC. Captain Lynch deferred to the OCC's director. Director Allen thanked Commissioner Sparks for her help on the budget. He stated he has spoken with the budget analyst and the Mayor's office and stated that his primary concern was salary. Director Allen stated that with the money that's already in the budget, the budget analyst has agreed to shift it around plus the $50,000 will allow for OCC staff to be fully paid and will bring back policy writer.

Commissioner Sparks stated that through some re-allocation, this will get at least full staffing and to a point where OCC can fulfil their basic charter.

Commissioner Orr-Smith asked if the $75,000 will help. Taking $75,000 from televising the meetings to shift to the OCC. Commissioner Sparks stated that there have been several comments from public comment and that several of the Board of Supervisors have contacted her asking that it be put on the budget.

Commissioner Sparks acknowledged and congratulated Captain Lynch, Officer Wilson, Deputy Chief Parra, and the Chief for their work in the budget.

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She stated that the amount of hours they put into the budget is unbelievable. They all did an excellent and unbelievable job.

Captain O'Leary gave an update on the OIS incident on June 29, 2004 on Alemany Boulevard. He stated the incident report was released this afternoon. He also stated that an incident report was also released on an incident that was on the 600 block of Larch. Captain O'Leary explained that last Tuesday, some homicide inspectors were looking for a suspect that was wanted for questioning in a homicide and on an attempted murder warrant. The officers were on a surveillance on the house that they suspected this person to be in. The suspect was seen and several attempts to stop him. He got in a large SUV, ran into parked cars, hit two unmarked cars, injured one officer from SID, the pursuit continued on to Alemany Blvd and the person started firing shots at police. 14 officers returned fire. The suspect was struck, taken into custody, first aid rendered, but was declared dead at the scene. The investigation is on going in this case.

Commissioner Veronese asked Director Allen if there was an OCC complaint filed. Director Allen stated no.

Commissioner Marshall asked what is the time line for the investigation to be concluded. Captain O'Leary stated that the case will go into different directions. To give a time line is unfair to the Commission, the family, and the inspectors. A lot of effort is put into the investigation immediately. There were several door-to-door surveys done on the same hour that the incident happened. Homicide is working diligently on the case.

Commissioner Sparks thanked Captain O'Leary for releasing the reports. She asked if the report on the Cammerin Boyd incident fulfilled the ACLU request. Captain O'LEARY stated, no. What is released is the initial incident report and it doesn't cover the request of the ACLU. He explained that all the information that the department is collecting is given to the District Attorney's office at the same time. There has not been a medical examiner's report in this matter and he stated that that is very crucial in making a decision. He also stated that there are still officer-involved shooting cases that are still with the District Attorney's office. Regardless, the Department will release information within the 60 days that was promised.

Captain Roth, Academy, explained the Department's Cultural Diversity Training. Captain Roth explained that basic academy class is broken down into 42 learning domains. All are subjects required by the California Commission on Peace Officers Standards and Training. Learning domain number 42 deals with cultural diversity and the state requires 24 hours in the area of diversity. The SFPD devotes 58 hours to this important subject. For 12 hours there is a cultural diversity overview; 4 hours for racial profiling; 42 hours composed of lectures, discussions, presentations from community representatives and officers including groups such as the Homeless Coalition, the Sr. Action Network and many more. In August recruits will have HIV representatives talking about IV drug users and their culture. There is also a class about ex-offenders living and working within the community. Captain Roth introduced Mr. Ralph Moreno, director of Sr. Escort Program.

Mr. Ralph Moreno, Sr. Escort Program since 1983. He has been invited to talk to the recruits at the Academy and stated that this has been a tremendous experience for him because he sees young people eager to work in the community. Sr. Escort was established in 1978. There are 54 staff members. In 1993 he was laid off due to cutbacks. He came back in 1997. Sr. Escort was established because there was a need for educating the senior community about prevention of crimes. The Sr. Escort Program escorts senior citizens, 60 years and over, to medical appointments, banking, social security. What is provided is protection. They were trained at the police academy and training was excellent. The program also do shopping trips and at the present time, they are doing about 60-65 trips. They also patrol the high crime areas.

They do a crime prevention presentation to help senior citizens to protect themselves.

Mr. Moreno stated that staffing is down to 13 staff members out of 54. This is the 26th anniversary.

Commissioner Orr-Smith asked about the reduction in staff for Sr. Escort. Mr. Moreno explained that out of the 13, four are on workers' comp so he is down to nine staff members. They are currently doing 1200 escorts a month with the staff he has.

Captain Roth introduced Mr. L.S. Wilson, Homeless Coalition.

Mr. L.S. Wilson, Homelessness Coalition. The Coalition on Homelessness has been around since 1987. He came aboard in 1998. He started as a volunteer and now he is the coordinator for the Civil Rights Project. Doing training at the academy, they go in to talk about different issues that people face on the streets on a day-to-day basis. They talk about law in general, quality of life laws; housing situation here in San Francisco; different activities homeless people have to do in order to survive on the streets. Talk about sensitivity training, role plays, stress the point that most calls, police should check out before approaching homeless person because they want to have open communications between organizations or businesses instead of involving the police. They talk about police officers as social workers. Information is passed out to the recruits.

Captain Roth introduced Mr. Jamison Green.

Mr. Green, Trangender Law and Policy Institute, training based on transgender community in 1985. He explained that they do a 4- hour diversity training about the transgender community. They started with two hours and have been doing four hours since the year 2000. They talk about the myths and stereotypes about transgender and transexual people; the differences between sex gender and sexual orientation which many people erroneously think are all the same thing. They talk about city ordinances and state laws that are now in place to protect transgendered people from adverse discrimination. They introduce recruits to several different transgendered or transexual people and allow them to engage in interactive dialogue with these individuals to ask all the questions that they can possibly think of to divest themselves of the mythology and the stereotypes about transgendered people. They also talk about department policies with respect to how to deal with transgenders as suspects, witnesses, or civilian complainants or as coworkers. They also talk about procedures for searches, housing associated with arrests, and report writing. They have trained every academy class since June 1995. They have also done two sessions for command staff and they are in the process of scheduling two trainings at each station to refresh the officers who attended the academy and also to train officers who were in the academy prior to June of 1995.

Commissioner Marshall asked if there is anywhere in the training where there is something about what not to say to make a situation worse. Commissioner Marshall stated that a lot of young men that he talked to who have encountered with officers have often said that the officer have called him a name, for example, that made the situation worse. Is there somewhere in the training that something like this is covered because that is often the source of tension between young men and officers of the law. Captain Roth stated that that is covered in the Tactical Communications class in which the recruits are thought how to communicate with people, how to de-escalate situations. This is called verbal judo which teaches recruits how to get out of sticky situations through communication. There is also a Customer Service Class. An entire day is devoted to customer service: treating people with respect, avoiding complaints, and trying to de-escalate situations. Commissioner Marshall stated he would like to attend the class. Captain Roth stated he will send an outline

through Lt. Geeter.

Commissioner Chan asked regarding interaction of curriculum what extend will that overlap with situations like domestic violence, how to spot instances or deal with community who are reluctant to report spousal or elderly abuse. Captain Roth stated that there is a lot of overlaps and stated that there is a significant amount of hours devoted to the Asian culture and in that Asian culture block the recruits are taught the differences, the authority, the military figure, the persona the police project specially with people that had just come over from China. In the domestic violence class, they talk to recruits about different cultures and that some cultures do not want to report and they go through all the cultures. They also have a presentation from the Gang Task Force Unit regarding Asian extortions, about the significance of Chinese New Year's, and the red envelopes, and the plants, and everything that has to do with that.

Captain O'Leary presented the Department's disciplinary case tracking system. Captain O'Leary explained that currently there are two separate tracking systems. The OCC has an excellent technician and he can take the information from the composites and tell you how many complaints per station, per neighborhood. Unfortunately a case will be resolved and the information is slow in getting back to the OCC to close it. So the OCC and the Department found it was hard to close that loop. MCD has a tracking system in which it tracks OCC cases received. Some of the cases are assigned outside of MCD. What is being done it to try to merge these data bases. This will track the cases from the beginning to the end. This tracking system is now in the data phase. He stated that MCD staff is not comfortable with the training received. DTIS will go back to MCD and do retraining. He stated that he thinks that this will work but the intention is to get to a point where the department and OCC will know where all the cases are.

Commissioner Sparks asked as far as the number of OIS case pending and how much information have been released from each one and are there OIS cases before the Boyd shooting not released yet to the public. Captain O'Leary stated he will look into the cases asked for by Commissioner Sparks.

PUBLIC COMMENT:

Malaika Parker, Bay Area Police Watch, regarding information released in regards to the Boyd incident. She stated that it is very disturbing because on the cover page it states that it was a justifiable shooting.

Michael Petralis would like to discuss concerns regarding budget overview specifically $75,000 to televise meetings. He also discussed meeting at the Bayview and was impressed with what the Captain had to say and what the community had to say. He was also glad that Captain Bruce sends out daily emails to the community.

Commissioner Keane stated that he has not received the police report.

Michael Bauchamp, CEO Autoside Inc., discussed concerns regarding fraud case and why no arrests have been made.

Roger Basely commended the Department on its cultural diversity training.

Commissioner Chan asked regarding new crime mapping system and Asian women being targeted for purse snatching. Was there a trend detected here. Chief Fong stated that the crime mapping allows to see what occurred in a specific area. Classification of crime, location, time frame and that number will tell exactly where things occurred and you can look at reports and see how suspects look like. Captains have access to crime mapping city-wide. Public have access through website.

Commissioner Keane complimented the Chief in the different demands

by the Commission. He stated that the police report was not handed to them and they just got it now. He discussed concerns regarding the police report recently released where it states "Homicide justifiable by police officer with gun." He hopes that in the future, that it will not have the words because it jumps the gun to label something before the investigation is done and that that should not be a title of the police report. Chief Fong stated that she will look into that and report back to the Commission.

Commissioner Orr-Smith with respect to the document released, how many incident reports were filed? Preliminary police reports were the ones that were released. Chief Fong stated that she is not sure if there are supplement reports but there are additional information in the investigative case file. Commissioner Orr-Smith why this particular report released. Chief Fong stated that there is only one preliminary report done and if there are statement forms, those forms are attached to the report. Chief Fong stated that she has not seen the complete police case file. Chief Fong explained that in officer-involved shootings, the interviews commence immediately so officers are not writing statements in addition to being interviewed.

Deputy Chief Tabak explained that in cases of OIS, the initial report is just the very brief factual basis of that evening by one officer. The entire investigation is completed by Homicide. All the questions asked by Commissioner Orr-Smith, all those answers will be in the homicide case. At the time the officer prepared that report, that information was not available to him or her. It would be the Homicide investigators responsibility to determine exactly what happened, who was involved, why it happened, and all those facts and that would be in the final homicide investigative file.

Commissioner Marshall asked if this is only one version, but asked does this report have to be released. Chief Tabak stated that this is a brief overview of the incident but the thorough investigation is quite thick but this only initiates the process. Chief Tabak stated that that is not a proper title and that will be a training issue and he would not ask someone to title a report at that time.

Commissioner Veronese discussed concerns regarding report. Chief Tabak stated that the writer of the report did not have access to witnesses, forensic, et cetera of the case. Chief Tabak explained that at the time of the report this was written, most of the officers that can provide information are interviewed by Homicide as a priority but all the questions asked by the Commission will be part of the Homicide report.

Commissioner Chan asked regarding format of the report. Are attachments to the report released to the public. Chief Fong stated that statements are booked into evidence. Chief Tabak stated that witnesses' statements are booked as evidence.

Commissioner Keane comment regarding Homicide summary. He stated that if the Commission will only get a summary, the Commission will not be happy with it. He urged the Department that in giving the summary, give the underlying reports at that time so that it can be discussed.

Commissioner Orr-Smith asked that the incident report does not explain the incident and will not accept this as disclosure because report is not adequate.

Commissioner Marshall asked if we can let the public know that this is not a justifiable homicide.

Commissioner Orr-Smith stated that if this is posted on the website, that it explains that this is an investigation in progress and that there has been no determination. Chief Fong stated that can be done.

**OCC DIRECTOR'S REPORT**

a. **Presentation on OCC cases eight months and older**
b. **Review of Recent Activities**

Director Allen reported on cases eight months and older. He stated that there are 80 cases that are eight months and older and five of which are in suspension, cases that have some type of criminal cases pending which prevents people from talking about it, so there is nothing being done with the case but it is documented that there is some type of exception to the case.

Commissioner Veronese asked if a non-sustained complaint stays in the employee's file. Director Allen stated yes, it does. It stays in the OCC office and in the officer's PIP binders. Commissioner Veronese asked why a non-sustained complaint stay in the file. Director Allen stated that they are kept due to Early Warning System.

Commissioner Chan asked about non sustained complaints that trigger early warning system. Director Allen stated three within six months and four within a year.

Commissioner Keane stated that he doesn't see anything wrong with the early warning system. Police officers should be held at a higher standard.

Commissioner Orr-Smith stated that police officers have a unique position in our society and it is very important to use the early warning system.

PUBLIC COMMENT:

None

*(The Commission took a break from 7:45 p.m. to 7:55 p.m.)*

**DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 10.10, "MOTOR FLEET"**

Officer Rich Lee, Fleet, explained the changes in the general order and explained that there are 91 vehicles available and cars are tracked and maintained by the Fleet Office.

Commissioner Chan asked about how fleets are procured? Officer Lee stated that every vehicles are seen by the service station in a regular basis and done in-house. Officer Lee stated that Central Shops are use for parts.

Commissioner Sparks asked about the change in marked vehicles and unmarked vehicles. Officer Lee stated that each district stations have unmarked cars and the need is greater now than it used to be.

PUBLIC COMMENT:

None

Motion by Commissioner Orr-Smith, second by Commissioner Keane. Approved 7-0.

**RESOLUTION NO. 60-04**

**APPROVAL OF REVISED GENERAL ORDER 10.10, "MOTOR FLEET"**

RESOLVED, that the Police Commission hereby adopts revised General Order 10.10, "Motor Fleet."

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall,

**DISPOSITION ON THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL V. CELIS (FILE NO. C03-119 JWA)**

Mr. Jerry Akins, Attorney representing the Department and the Management Control Division, explained the charges and the disposition agreed to regarding Officer Celis.

Mr. Steve Johnson, POA, representing Officer Mike Celis, stated this agreement, if not accepted by the Commission, Officer Celis reserves the right to defend himself before the Commission and all the facts that have been presented.

Commissioner Veronese stated that he worked with the officer's representative involved and the Police Chief and have taken a look at this and he believes this to be a fair punishment.

Commissioner Renne asked since the incident happened, where has Officer Celis been. Mr. Akins stated in Operations Center. Commissioner Renne asked has he been paid during this entire time? Mr. Akins replied, yes, and the th 180-day suspension will be unpaid leave. Commissioner Renne asked if it had been an ordinary person who had made the same demands as Officer Celis did, would that person been arrested. Mr. Akins stated the he believed so. They investigated what they thought was a person impersonating an officer. When they found that he was a police officer, they didn't pursue the criminal matter. Commissioner Renne asked how about coming back to the to the hotel, would that person been arrested? Mr. Akins said, yes. Commissioner Renne asked what do anger management programs entail? Mr. Akins stated that the it is worked out with the Captain of Staff Services who oversees 11.11 program and the members are assessed by a doctor or psychologist to determine how this person is and help deal with his anger.

Commissioner Keane stated that he will vote to accept the recommendation because he will give great deference to the view of the Commission that actually sat and reviewed this matter.

Commissioner Veronese stated that any sustained complaint against Officer Celis will come back to the Commission and the Commission will get to decide on the part that was held in abeyance. The initial investigation was done by an outside agency, Burlingame P.D., and he stated that Director Allen has no problems with the recommendation.

Commissioner Renne stated that she has great concern about Officer Celis being back on the street and will vote to terminate Officer Celis.

Motion to approve by Commissioner Keane, second by Commissioner Sparks.

Officer Celis admitted to the truth of allegations No. 1, 2, 3, and 4, and accepted responsibility for his actions.

Mr. Akins stated that Officer Celis was involved in an OIS incident prior to this incident. Mr. Akins stated the Department is investigating that incident and the OCC is investigating because someone had filed a complaint. The OIS incident happened before this incident happened.

Commissioner Veronese stated that if there is a sustained finding against Officer Celis then it has to be considered if Officer Celis should be in the Department.

Commissioner Veronese asked if this particular complaint comes back

as sustained, does the Commission have power to terminate Officer Celis. Ms. Morley stated that if the Commission is going to adopt a recommendation, it should be made clear on the record on what the Commission wants it to mean.

Commissioner Keane asked if the Commission is to have a finding later on that the complaint was sustained regarding OIS, can Commission look at prior misconduct and this an act where officer admitted to the allegations. Ms. Morley stated the commission can.

Commissioner Keane withdraws motion to accept the recommendation.

Commissioner Sparks asked that Commission deliberate for a moment.

Motion by Commissioner Sparks to deliberate.

*(The Commission deliberated from 8:20 p.m. to 8:55 p.m)*

Motion not to disclose by Commissioner Orr-Smith. Second by Commissioner Veronese. Approved 7-0.

Commissioner Renne stated that recommendation be continued until a written settlement offer is before the Commission and that the Commission wants all proposed settlements in written form so there is no question about what is being proposed. This matter will be continued for four weeks, August 4th.

Commissioner Veronese would like the City Attorney to see it within two weeks.

Motion to continue by Commissioner Sparks, second by Commissioner Chan to move item to August 4th, four weeks. Approved 7-0.

PUBLIC COMMENT:

None

Attorney Akins asked that plea be vacated and Commissioner Renne stated agreement is not accepted and plea is vacated. Commissioner Renne wants all settlements in written form and with some specificity.

**DISCUSSION AND POSSIBLE ACTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST OFFICER DAVID M. BURNS (FILE NO. OCC 0212-99), OFFICER GABRIEL GALLAREAD (FILE NO. OCC 0403-99), AS REQUIRED BY THE SETTLEMENT OF *SAN FRANCISCO POLICE OFFICERS ASSOCIATION v. CCSF*, SAN FRANCISCO SUPERIOR COURT NO. 324625**

Commissioner Veronese stated that after looking at it further it is his opinion that this Commission does not need to act on this particular item since it is a settlement between the City and the parties. It is a housekeeping matter to the Commission but not a necessary task and would move to have this Commission not to take any action on it.

Commissioner Keane agreed with Commissioner Veronese and stated that this matter has gone before the prior Commission and that actions by this Commission is not relevant.

Motion by Commissioner Veronese to table the item. Second by Commissioner Keane. Approved 7-0

**COMMISSION ANNOUNCEMENTS**

a. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Captain Patricia A. Jackson (File No. C04-106 JWA)**
b. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-105 JWA)**
c. **Scheduling of items identified for consideration at future Commission meetings.**

PUBLIC COMMENT

None

**RESOLUTION NO. 62-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN PATRICIA A. JACKSON, (FILE NO. C04-106 JWA**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Captain Patricia A. Jackson, Star No. 1301, Airport Bureau, was called it having been set for this date; and

WHEREAS, Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Captain Patricia A. Jackson; therefore be it

RESOLVED, that Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Captain Patricia A. Jackson, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**RESOLUTION NO. 63-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, (FILE NO. C04-105 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford, Star No. 1707, Administrations, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

Commissioner Renne that the next district meeting will be at the Crocker Amazon at Ingleside.

Commissioner Sparks asked about OIS cases under investigation, when it occurred, what state investigation is at, names release, and when it will go to Commission.

Commissioner Chan request from the Department an update whether or

not there are commendations pending before the Commission. He would also like a list of gifts to the department for which approval of the Commission is required.

Commissioner Orr-Smith asked for a presentation from the Department's Sex Crimes unit.

Commissioner Orr-Smith will attend Awards Committee meeting.

**APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETING OF JUNE 9, 2004**

PUBLIC COMMENT

None

Motion by Commissioner Marshall, Second by Commissioner Orr-Smith. Approved 7-0.

**PUBLIC COMMENT**

Steve Johnson, POA, discussed concerns regarding Early Warning System. He stated that the POA and the members of the Department have no objection to civilian oversight. There is no objection to the early warning system but as long as it's an early warning system that makes sense. He also discussed concerns regarding DGO 2.04 violated by the OCC. He also expressed concerns regarding Commission's discussion with Chief Fong and Deputy Chief Fong. He stated that the way questions were asked were disgraceful. He stated that, since both Chief Fong and Deputy Chief Tabak are members of the Association, he is objecting formally to the manner in which it was done.

Meesha Irizarry, Idriss Stelley Foundation, regarding disciplinary action of Officer Celis and stated that Officer Celis killed a man.

Malaika Parker, Bay Area Police Watch, discussed the 3304 issue and the refusal of the Commission to take a vote on it. She stated that she appreciates the Commission's vote.

Thereafter, the meeting was adjourned at 9:15 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
PRESIDENT

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, JULY 14, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

SF
P45
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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. Discussion and possible action to adopt a Statement of Incompatible Activities for the San Francisco Police Commission in compliance with San Francisco Campaign and Governmental Conduct Code section 3.218

3. OCC Director's Report (DISCUSSION ONLY)
   a. Report on OCC's Investigation into the Police Department's response to the Thurgood Marshall Academic High School incident on October 11, 2002

4. Presentation of report from the Police Department regarding any action taken with respect to the Thurgood Marshall incident (DISCUSSION ONLY)

5. Discussion of the Police Department's response to the incident at Thurgood Marshall Academic High School on October 11, 2002 (DISCUSSION ONLY)

6. Commission Announcements (DISCUSSION ONLY)
   a. Scheduling of items identified for consideration at future Commission meetings

7. Approval of minutes of the Police Commission Meeting of June 16, 2004 (ACTION ITEM)

8. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

# The Police Commission

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Commissioner

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DR. JOE MARSHALL
Commissioner

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Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, JULY 14, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

***PLEASE NOTE**: The Police Commission will be holding a public, Special Meeting this month at a location other than City Hall.*

1. *The Commission will hold its Community Meeting at the Crocker Amazon Recreation Center, located between Geneva Avenue and Moscow, in San Francisco, at 6:00 p.m., on Wednesday, July 28, 2004, to hear comments from the public and Ingleside Captain Paul Chignell concerning public protections issues in the Ingleside District.*

***The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.***

***KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE***
***(Chapter 67 of the San Francisco Administrative Code)***

***Government's duty is to serve the public, reaching its decisions in full view of the public.***

***Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.***

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupers/sunshine***

***Lobbyist Registration and Reporting Requirements***
***Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.***

# SAN FRANCISCO POLICE
# PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

**Communication accessibility services; including sign language Interpreters or computer aided real time captioning** will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

**Individuals with severe allergies, environmental illness, multiple chemical sensitivity** or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400 #1 Dr Carlton B. Goodlett Place, San Francisco

Accessible MUNI lines serving this location is: 49 Van Ness;Mission 47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

**Accessible parking** _____

**For information about the meeting call** 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m. in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioner Veronese

**CHIEF'S REPORT**
**a. Review of Recent Activities**

Chief Fong stated that its been busy to continue initiatives in order to reduce the violence in the city. Last Thursday, an individual that had an outstanding warrant for a homicide had been tracked to San Mateo County. In conjunction with the Federal Marshalls and the San Mateo P.D. this individual was taken into custody.

The Anti homicide plan was a plan for the charter in November and will not go on the November ballot, however, it will be considered for the following year. The main focus in that plan was the area of improving and increasing the forensic abilities of the department. Absent that plan, four criminalist were hired. In addition, at the Board of Supervisors, there was an amendment to the City Code with regards stolen vehicles and the reimbursement of fees for stolen vehicles. If a citizen or a person lives in San Francisco, has a vehicle that's registered in San Francisco, and that vehicle is stolen, if that vehicle is recovered in San Francisco, the City reimburses the person who owns the car for the fees for towing the vehicle. The cost to the City for that is approximately $250,000. That was presented this year and the full Board approved the amendment.

The Department also has been working with the Immigrant Rights Commission. The Department is working on greater language access but also working to learn more about the equal access ordinance so that the Department will be in compliance with the requirements.

Friday will be the second time the department will participate in the City Stat and that is the city management model of ComStat where managers are brought in to talk about generally staffing, the budgeting, as well as the calls for service and how the resources of the department are being used.

Commissioner Sparks asked about the CHP operation impact. Chief Fong stated it was initiated for the past four weekends in different areas of the City to see if it will work and if there are benefits to it. It was about four weeks ago that impact was brought into the city and press releases were issued, and captains were notified so that the captains can notify all of their community groups so that they would know that the CHP will be working together with the Department in the district. Commissioner Sparks asked if pre-notification through press releases has made an impact on the effectiveness of the operation? Chief Fong stated that comparison is being looked at and that she thinks it is a positive thing to let community groups know ahead of time so that they know that the Department are trying to put measures in place to suppress violence and if they have questions to talk to the captain or to talk to anyone in the command staff about it.

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Commissioner Keane asked about theft of explosives that the department have in the PUC area. Did they have C4 explosives being stored? Chief Fong stated that she could not address that adequately for the Commission. She did confirm that there was a burglary, after the burglary, it was ensured that no further items are stored there because it is not a secured

location and the Department is working with the Alcohol Tobacco Firearm agency to look for an alternative site. They are the lead investigators in this case.

Chief Fong updated the Commission about a letter from the Ella Baker Center and Ms. Parker that was sent to the Commission and the Board of Supervisors where Ms. Parker asked for a meeting with the Chief. The Chief stated that because of the litigation in the Boyd case, she is working with the City Attorney to ensure that they can meet and when they meet, what they can or cannot speak of.

PUBLIC COMMENT:

None

**DISCUSSION AND POSSIBLE ACTION TO ADOPT A STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION IN COMPLIANCE WITH SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE SECTION 3.218**

Ms. Morley, City Attorney, explained that all agencies, departments, and commissions and boards of the city are required by the Campaign and Government Conduct Code to file with the Ethics Commission, by August 1st, a statement of incompatible activities and stated that a draft have been prepared for the Commission.

PUBLIC COMMENT:

None

Commissioner Sparks stated that she has just received this just this afternoon and would prefer to continue it for one week.

Commissioner Renne stated she will not be here next week.

Moved to continue for one week.

Commissioner Renne asked that, since she and Dr. Marshall will have to recuse themselves and she asked that Item 6, Commission Announcements, be taken out of order.

**COMMISSION ANNOUNCEMENTS**

**a. Scheduling of items identified for consideration at future Commission meetings.**

Taken out of order.

Lieutenant Geeter announced that the new location for the District Meeting will be moved to Corpus Christi Church at the corner of Alemany and Santa Rosa since Crocker Amazon is not ADA compliant.

PUBLIC COMMENT:

None

**APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETING OF JUNE 16, 2004**

Taken out of order

PUBLIC COMMENT:

None

Motion by Commissioner Sparks, second by Commissioner Marshall. Approved 6-0.

**OCC DIRECTOR'S REPORT**

**a. Report on OCC's Investigation into the Police Department's response to the Thurgood Marshall Academic High School incident on October 11, 2002**

Motion by Commissioner Keane to excuse Commissioners Marshall and Renne. Second by Commissioner Sparks.

Director Allen presented the Thurgood Marshall incident. Director Allen stated there are copies of the full OCC openness report available to the public. He stated that on October 15, 2002, they received a complaint regarding the Thurgood Marshall incident and that investigation ended on March 5, 2004. An openness report is prepared which is a summary disposition of their investigation. Director Allen stated that in the spirit of openness, the report is done so that the community can follow the OCC's actions and that the OCC has nothing to hide.

Commissioner Sparks asked why it took 21 months to produce such a report. Director Allen stated there were numerous officers, numerous witnesses that needed to be contacted.

Ms. Donna Medley, Chief OCC investigator, wanted to tell a story. Thurgood Marshall happened because there were tensions in the neighborhood, and tensions in the school. She stated that the OCC does come to policy failure which will impact the department, the school district, the school setting, and the Bayview Community.

Ms. Medley explained the first policy failure. She went on to explain the incident. There were nine complainants that came forward and said that the officers basically came in and ran riot over students. The students felt like they were being occupied by a foreign force. She explained that there were three major incidents. One occurred before school started. There was a fight outside of the school and before school. It was between two racial groups and those racial groups were not evenly matched. There were perceptions of racial conflict and perceptions of response that was selective based on race. That was the first situation. However, it was responded to by the school and by a school resource officer and dissipated. The three major persons involved were brought inside the school and the procedure of having them returned to their families was instigated.

One person was released and a couple of others were still there. The school protocol was not followed entirely. The parents didn't pick up. The family of one of the students responded and two of the family members were there. One was discussing the release of the student and the other one went back into the hallway. There was another situation in the hallway where this person was confronted with a whole group of students and that situation got out of control. There was fighting going on. Then the passing bell rang and the entire school emptied out into the hallways. There was many different fights going on. There was also a fire alarm bell that went off and there was a lot of miscommunication, if anybody could hear the communication. Officers could not hear over their radios. The kind of contact between officers that normally would be in place was not and could not be. The decision about whether to bring the children back into the school room setting or release them or bring them into a fire response setting was fluctuated and who was giving orders,

whether it was a teacher trying to keep the children inside the class or whether the principal is being asked to decide whether to close the school or leave it open. All these major decisions were not being made by a unified presence and there wasn't an understanding of who was going to make the decision, when, and how. So communication was not present.

Nonetheless, there were various times where there were kids fighting and that was taken care of. And a couple of times there were a code 4 called so that people thought that this situation had been handled and then something else would flare up and when it flared up and when all the students were out in the hallway and when an officer was calling for backup because an officer was considered endangered, that's when the crowd control response occurred.

Ms. Medley stated that over the years the San Francisco Police Department is one of the leading police agencies in terms of crowd control response. In this case, if you look at all the different things that they did as crowd control response, it was incredible. The problem is this is in a school setting. She stated that the policy failure goes to that specific fact.

The crowd control response by SFPD to this incident demonstrated knowledge and skill in the employment of crowd control measures. However, the incident raises questions about the propriety of using current crowd control policies and tactics in a high school setting particularly in response to a call of a fight with no weapons. The investigation concluded that current policy and training do not cover riot situations within a closed setting in general and not within a campus setting in particular. The OCC is working on its recommendation involving the review of best practices and will offer a policy recommendation to address these concerns.

Ms. Medley discussed the second policy recommendation where officers utilized selective enforcement in dealing with the students. Ms. Medley stated that complainant alleged that officers were beating African-American students. The complainant that she witnessed one African-American student taken to the ground, punched, kicked, kneed in the chest, and hit in the head with a baton. That allegation was investigated and could not be proved. What the OCC ended up with was witness statements that did not fully corroborate or were inconsistent. Ms. Medley stated that the OCC were at Thurgood Marshall on October 11th, that afternoon. The OCC was on-site. The investigation started immediately after getting a complaint. The OCC reached out to students, to complainants, to complainant's witnesses, to the school, to teachers, to the security guards, to all the actors that were at Thurgood Marshall that were involved in this incident and they reached out to them over and over and over again. They also questioned every police officer that was involved in the incident that they could identify. They interviewed 47 officers. The OCC was available if people wanted to speak to them anonymously. The OCC wrote to people, they went to community forums, and they asked many times to speak to people and to hear their point of view. They were not able to talk to anyone who claimed to have been hospitalized, hurt, injured. They talked to people who talked about having a baton or different incidents of abuse and they weren't able to identify the particular officer. They had different eye witness corroboration. There were different things that it was impossible to reach a conclusion that either prove or disproved the allegation.

Ms. Medley stated that it goes back to the perception of this, not only happening to one African-American student, that this was selectively enforced because there were other things that occurred besides the allegation of being battered. That was that bookings, citings, and detentions were predominantly of African-American students.

Ms. Medley talked about the perception of racially selective enforcement. The first event involved an African-American student who was

confronted by approximately 10 Asian-American youths in front of the school. A fight ensued and two of the Asian-American students were brought into the school and one was released. The African-American student was not. So there was a perception of two against 10 that the Asian-American students were perhaps outnumbering the African-American students. What would be the police response? Ms. Medley stated that people thought why all African-American students.

The second event developed when the family member, a cousin, entered the school hallway and was assaulted and injured by an Asian-American student with a metal object. The Asian-American student fled before police got there and was not identified as the attacker until after he had been released from police custody but the perception was he was released from police custody and the police were not going to take actions against the Asian-American student. The cousin, on the other hand, the African-American cousin, was bleeding from the forehead when one of the student resource officers responded to the scene. She attempted to remove the student from the area in order to render medical aid but the appearance was that law enforcement was going in and getting the African-American student. The students responded by saying, "It's not him. It's not him." So there was a misperception of what was happening but it was one that was a reasonable perception.

Ms. Medley stated that in investigating these incidents, it gave rise to the perception of racial bias. The OCC was presented with other facts, perceptions, and rationale that disputed the allegations. So, although there was unnecessary force allegations raised, officers responded during their interviews with statements of policy, why they would use the force needed, that in fact what some person captured as the office perhaps shoving somebody, what had occurred before that was somebody shoving that officer and this officer was then gaining control of the situation. The OCC was not able to prove the officers' point of view or the students' point of view but the OCC did reach a policy failure because they believed that, not only the perception of race bias but the outcome, 15 youths that the OCC knew the race of were youth of color and two were Asian-Americans, two were Latinos, and 11 were African-American. The OCC interviewed a great number of people and Thurgood Marshall, at the time, had this racial composition: Latin-American 14.9, other white 1.7 percent, African-American 27.9 percent, Asian-American 46.6 percent, other non-white 7.9 percent, and American Indian .7 percent. She stated that that does not reflect what happened to youth of color that day at Thurgood Marshall. That information is brought by the OCC to experts in the field of both race and statistical studies and spoke to them about whether or not the OCC can reach valid statistical results and they concluded that the OCC could not. The experts did suggest that the OCC should pursue policies to discuss issues of friction, the perception of law enforcement in balance, and to build a relationship based on working together toward common goals which is a much bigger project.

Ms. Medley stated that those are the two policy failures that were reached by the OCC. She stated that there were 33 allegations, nine complainants and a review of many police records as well as media and other statements made by witnesses.

Director Allen stated that as a result of the conclusion of this policy failures, he has called upon his policy person, who is not actually working, to come back and work solely on this issue. He stated that the one trend that the OCC keeps seeing is what was not done that should have been done in a situation like this. Director Allen stated that Ms. Medley mentioned the crowd control aspect in San Francisco is probably exemplary. The crowd control in the school is not. Across the nation, one of the things they have found is people, police, law enforcement, and the school systems just don't seem to be

on the same page for various reasons. Most of the work that's been done is towards terrorism.

Director Allen stated that he and Ms. Medley went down to San Jose and spent the day with the school resource officers and the school resource program which has been working for 10 years. He stated that there's a Safe School initiative that's out there and the government will definitely help schools and the community to work towards ensuring safety in schools. What they saw in San Jose was a collaborative. The Park and Rec Department was working with the Mayor's office, was working with the police department, was working with the schools. When an incident occurs, there is a group that goes into the school that handles it. It's not just a group with guns, which is not necessarily and bad thing, but it's not just a group with guns and it's not just a civilian group. It's a collective group going in to handle all the issues that take place in a situation such as this.

San Jose has a system that is called Code Red, which is a lock down. There's different levels. The administration has worked with the city and worked with the police department. The administration is aware in advance what's to occur at certain levels of violence. If it's a Code Red, everybody knows a lock down. They did a 6,000 person drill which worked very well on the board but what they realized when they ran that drill, the police have practiced it and a lot of the administration have practiced it but they didn't involve the citizens. They brought everybody in and reenacted this scene and it didn't work very well because not every one had trained. Only the police and the school had trained. It was important that everybody is trained, people within the school, the law enforcement, the community, and other different city agencies have to be involved.

Director Allen stated that this program may work in San Francisco. Director Allen urged the Commission to have a summit with the Mayor and sit down and start working together and initiate some kind of safe school initiative to address this problem as a whole.

Commissioner Sparks asked what type of discussion was held with the school district in the process of developing this policy recommendations. Director Allen stated that they have not contacted the school district but will do so when their policy writer comes back to work. Director Allen stated that every agency that would like to be included, they will extend the offer to them to be part of the policy making process.

Commissioner Orr-Smith asked about the incident and what the school knew about tensions in the environment before the incident and could there have been prevention from the school. Ms. Medley stated that there were meetings that involved the police department and the schools. She also stated there were change happening at the time that created tension. They were identified but she cannot say how the school district responded.

Commissioner Chan asked if there have been involvement by OCC staff in regards to the Thurgood Marshall group. Director Allen stated that no interaction as of now has been done. Director Allen stated that in San Jose, the Mayor brought in the different agencies together and supported the program. Commissioner Chan asked which agency will be responsible for coordinating this effort? Director Allen stated the Mayor's Office on Criminal Justice, the Police Department with the SRO program needs to partner with the school district to be the lead in identifying what is needed out there.

Commissioner Sparks stated that the Community Task Force and the Youth Commission and other community groups may be involved and asked Director Allen if he can serve as a liaison in regards to this because what have been learned by the OCC would be valuable information to start this program.

Director Allen stated yes, he will.

Commissioner Orr-Smith asked how soon can policy recommendations be finalized. Director Allen stated that maybe an update regarding recommendations be set before adoption. He said it might take several weeks to finalize the policy recommendations. A month from now for an update would be good. Commissioner Orr-Smith also asked that documents from San Jose be included for the Commission's review.

Commissioner Keane would like an announcement made so that members of the public can contact Director Allen regarding this policy recommendations. Director Allen stated that there are OCC flyers available in the front podium.

Commissioner Orr-Smith thanked Director Allen for his work and efforts.

PUBLIC COMMENT:

Francisco Decosta stated that what he finds appalling in the OCC report is that it is a very convoluted report that a lay man cannot understand. He asked that in the OCC's report mention should be made about the policies of the SF Unified School District. He stated that no where in the report has mentioned be made about anyone in the SF Unified School District who is in charge of safety. He stated, in this audience, there is nobody from the SF Unified School District who is in charge of safety. He stated that in this report, the children were put in harms way, first, by the SF Unified School District, second, by those in charge in the Mayor's office, third, by the principal himself by not communicating with the community. Detailed investigation should have been made in the report pertaining to the relationship between transferring the children from one school to another school and deliberately putting them in harms way.

Vanessa Moses, Bay Area Police Watch, stated that the report received from the OCC sounded like a list of justifications and explanations for how the police handled themselves out there. She stated that it didn't sound like it was the result of a thorough investigation and there are pieces of the report that speaks to that as well. She stated that 47 officers were interviewed and she would like to hear how many parents and students were interviewed She stated that this was not a full investigation and why did it take 21 months to investigate. She stated expressed concerns regarding 70 officers showing up to a school in response to a fight between a couple of students as a racially motivated act and stated that it's part of a trend in policing in San Francisco. She stated that that would not happen in other high schools.

Ms. Connie, Teacher for Change, asked that MOU be modified between the Police and the school district in order to eliminate the abuse of police authority on school sites. She asked that before police are called there must be every effort made to ensure due process is enforced. The MOU must allow officers to investigate if the proper procedures for disciplinary actions have been followed or are the police being called to escalate matters to justify expulsions and firings. She asked that it be made clear that officers must enforce other policies and procedures that insure due process by putting it in the MOU with clear language that ensures that students have their advocate or parents, that the ed code is followed, and that the staff people have their union and legal representative present. She also stated that there is nobody here from the School District to address the issue.

Dr. Dan Kelly, President of Board of Education, stated that he received notification during the time the incident was occurring from district staff. He went out to the campus. He arrived there midmorning to find most of the students of the school disbursed around the community in small groups. A police road block along Silver Avenue limited motor traffic but not pedestrian traffic in and out of the area. He stated that inside the school, large number of

police officers. In response to the OCC report, there was an atmosphere of confusion within the school in the responding group of both the police and the school administrators as to what the situation actually was. Dr. Kelly stated that when he asked Sgt. Fatooh who was making the decisions about what to do with the students, she said it was a school matter. When he asked the principal what decisions were being made with regard to the students around the streets, she said it was a police matter. Dr. Kelly stated that the Board of Education did do an investigation and there were findings and there were evidence of police using more force than appropriate. He referred to resolution 33-11 passed by the Board of Education that matter be referred to the Police Commission. He stated that the Board will be happy to work with the OCC as well as the Police Commission.

Reverend Gentle, Pastor, stated that his grandson was confronted with an officer's gun during the Thurgood Marshall incident.

Jonathan, grandson of Reverend Gentle, stated there was a problem that student cannot go home because of roadblocks. He stated that he got confronted with a gun when he tried to go home. He stated that students were mishandled, school friends came back to school with bruises on them. He stated that after the incident he has a hard time trusting the police. He stated that 100 percent he trusts the law but people that conduct it, police officers, he has a hard time trusting the majority of them.

Reverend Gentle referred to a newspaper article regarding an officer having pulled a gun on his partner. He stated that his point is if a police officer can pull a gun on another officer, what would stop him from pulling a gun on the community. He also stated that his grandson was not interviewed by the OCC. He stated that law-abiding citizens should not be treated like animals.

Audrey Allen discussed report on Page 14 regarding a student that was injured. She stated that she believes it was her cousin. She stated that her cousin was just trying to get home. She also stated that student were not interviewed because they were afraid and stated that there should be a partnership between the community and with the OCC just to try to make a safer place for children to grow up.

Raymond James Alibarberon, Mission community, works for Rap Alternative Program. He asked that funds should go out to the community because they are the ones that can prevent incidents before it starts.

**PRESENTATION OF REPORT FROM THE POLICE DEPARTMENT REGARDING ANY ACTION TAKEN WITH RESPECT TO THE THURGOOD MARSHALL INCIDENT**

Deputy Chief Suhr presented the report from the Department regarding the Thurgood Marshall incident. Chief Suhr explained the misinterpretation of the handling of the injured young man. He was hit on the head with a pipe and was bleeding profusely from the head. The SRO officers were trying to get him back to the vice principal's office for medical assistance and the kids in the hallway took it to be that they had the wrong person. The incident escalated from there. The SROs who are supposed to call for assistance did so and the police responded.

Chief Suhr talked about other incidents that may have led to the incident. Chief Suhr stated that on August 30th at about 3:30 in the afternoon, along San Bruno Avenue, there was a documented hate crime between the two racial groups that were at issue on October 11th. That incident prompted a greater police presence along the San Bruno corridor and Silver Avenue and the Department worked with the Unified School District to get that done. Further information was developed over the next few weeks. The tensions were grown between Burton High School, Thurgood Marshall High School, and Balboa High School because of the redistributing from another closed high school that happened some months earlier.

Over the next three weeks prior to the incident, there were strategy

meetings between the Police Department, CBOs, members of the community and the Unified School District to deploy certain strategies so that they wouldn't have a problem, what the department believed to be after school. The Juvenile Bureau prepared an operations order and there were uniformed officers added between the after school hours along the San Bruno corridor, Balboa High School, and at Burton.

About two weeks prior, the kids involved, have done a marijuana transaction and started a verbal altercation in the morning that led to physical fights later that day. There was also an issue with the principal being transferred contributing to the fact that 20 percent or 16 of the teachers called in sick the day of October 11th.

Chief Suhr stated that the police response has been mentioned in some of the public comment that it was not commensurate with the fact that there were no weapons. Chief Suhr stated that the gentleman that was injured, it would come to an aggravated assault as he was hit over the head with a pipe and there were other situations where instruments can be used as weapons and that indeed happened over the course of the incident and that's why the officers wore helmets because of things that were thrown. They did have batons out. A firearm was pulled when one of the students came up with one of the officer's batons. The student was asked to drop the baton, that happened. The firearm was holstered and that's all within policy.

Chief Suhr stated there were meetings immediately after this incident. Chief Suhr stated that he and Deputy Chief Robinson, at the request of School Board President Emilio Cruz, attended a meeting at Thurgood Marshall's Auditorium. There were approximate 500 parents and students in attendance. He stated that many people were heard and phone numbers were exchanged, collaboratives were established. Mayor Brown, at the time, established a huge collaborative made up of diverse group of community members, CBOs, the Police Department, other city agencies which made school safety recommendations that were referred to the Unified School District within months of the incident and have been there awaiting the superintendent's approval now for almost a year.

Chief Suhr explained about San Jose's lock down or secure in place strategy actually came from the San Francisco Police Department. He stated that Sgt. Jerry Salvador, Crime Prevention Company, designed what's called a 911 Book. Chief Suhr explained that it's a cardboard page book that – because of the Columbine incident – allows the teachers to literally just turn the page because often times in a traumatic situation you can't really have cognitive decision making. So it is literally like a "see Spot run" book. San Jose works on it. If there is a threat to a school and the school have to be evacuated, it is all dictated in that book. Chief Suhr stated that on this particular occasion, it didn't meet the criteria of that book. There was no active suspect that was a danger to the whole school. There was a general disorder situation in the school and multiple fights breaking out as the officers arrived.

The Sheriff's Office was called as part of the 911 book to establish what's called the Green Zone. That is if the decision was made, and it was this day, that there is supposed to be a Green Zone established where the kids are taken to that location or parents are told, when they call the school, it's supposed to be at this location. Chief Suhr stated that, Murphy's Law being what it is, that particular Green Zone at the time was being used for a School Place Work Place Violence Training. When the call went to the Sheriff to establish the Green Zone, the Sheriff's office thought it was a call for assistance. They were attired in their emergency situation gear, they responded to the scene thinking it was a call for assistance when actually the Department wanted them to activate the Green Zone. That communication problem has been addressed.

Chief Suhr described the School Safety Task Force to decide measures to make schools safe. Chief Suhr stated that officers were called in as a crowd control situation and they applied what they as crowd control techniques to the school situation and it did not work well. Chief Suhr stated that the officers showed great restraint and that somebody was already injured when they got there. Six officers went to the hospital and one other student was injured. Chief Suhr stated that the task force has made several recommendations that are currently subject to the SRO Cops in School grant.

Commissioner Keane asked as to history of things. The meeting that was had at Thurgood Marshall, was it open to the public and did members of the public attend. Chief Suhr stated yes. What is collaborative effort made by the mayor. Chief Suhr stated the Mayor assembled groups of community members, CBOs, SRO, Muni, it was a comprehensive group that met and they met for months and they made school safety recommendations to the Unified School District. Commissioner Keane asked if people from Thurgood Marshall attended the meetings. Chief Suhr stated yes.

Commissioner Orr-Smith asked regarding Code Red policy used in San Jose originated here. Was that proposed for the SF school system and why is it not being used here? Chief Suhr stated that it is used in the city. He stated that it did not come from something like this incident. It came from Columbine where there is a safety zone set up for the students in case of incidents like the one in Columbine but all these things were not done in the Columbine. He stated that discussions were made between the principal, the SRO, Captain Puccinelli, and the School Board Member, Mr. Kelly, that the school should be recessed at the time and what had happened was the plan was not good because of mis-communication on where the kids should all go and how to get them out of there and because of where the different crowd control lines were established, some kids couldn't go that way but other kids could go that way. It was a very chaotic situation.

Commissioner Orr-Smith asked if the San Jose model has been modified for enclosed environment? Chief Suhr stated that the lock down in place and the Code Red comes from the 911 book. Chief Suhr will talk to San Jose PD to find out if it has been modified. Commissioner Orr-Smith asked about crowd control policy within a closed environment? Chief Suhr stated that it can be used in a closed environment with adults and he will look at the school's safety recommendations and event manual to see if that is something that can be addressed.

Commissioner Chan asked how soon can Chief Suhr address that issue with respect to crowd control in closed settings and dealing with young people. Chief Suhr stated he will find out where the Department is at now and get back to the Commission Wednesday regarding modification of crowd control policies. Commissioner Chan asked about OCC issue that were raised regarding differential perceptions as to applications of law enforcement against groups and that the department have participated fully with schools to address the issue of racially disproportionate contact. In reflecting on the events of the day, did members of department acted appropriately with respect to dealing with Asian and African-American students and what training have officers undergone in racial diversity. Chief Suhr stated that the entire company of Bayview Station has had diversity training and the patrol force of the SFPD reflects the community that is served. Commissioner Chan asked how would you describe today the state of communications and the Department's relationship between district officials and the department? Chief Suhr stated that the position to head the SRO program has been upgraded to a lieutenant, additional staff has been added. They have been put in the same umbrellas as far as attendance and activities and performance evaluations. Measures have been put in place and things have changed quite a bit with regard to how the department would approach schools. Commissioner Chan asked about the

MOU. Chief Suhr stated that the MOU is close to being signed.

Commissioner Sparks stated that there are 28 allegations to the OCC, 2 of which are policy failures, 26 were either unfounded or not sustained. In a situation like this, would you do additional training or do you follow up on these type of things. Chief Suhr stated that the POA helps in officers attending OCC interviews. There are assistance as officers are prepared for interviews. Commissioners Sparks asked, as a department, will these allegations be reviewed and look at training relative to these allegations and make sure that the training is adequate? Chief Suhr stated that he can make it happen through in-service training so that history does not repeat itself. Commissioner Sparks asked should there be a different response. Chief Suhr stated that everybody should know what needs to be done from the cops to the kids.

PUBLIC COMMENT

Mark Sanchez wrote report asking for a hearing. Urged that the Commission have an outside investigation into the incident. He stated that the school district need to take a lot of responsibility to what happened that day.

Gladys, Member of Home Advocates, stated that kids went to the black top as instructed and stated kids had guns pointed to their head and stated that officers were doing high 5s with each other. She also stated that she witnessed a teacher being arrested. She also stated that during this incident, numerous students were arrested. She stated that students are not allowed to communicate with teachers. She urged the OCC to do a reinvestigation.

Omar Williams, former student of Thurgood Marshall, stated he does not know anything about a lock down. He stated that if that is going to be implemented, practice needs to be done so that students know what to do. He stated there was no racial tensions within the students that year. He asked that what type of protocol is in place when students are told to go home.

Elizabeth Ibarra, Lowell High School graduate, twin sister attended Thurgood Marshall. She stated that a lot of her friends were arrested during the incident. She stated that something like this will not happen on the other side of town. Why were there so many officers that responded during the incident.

Kevin, teacher at Thurgood Marshall, spoke regarding lock down procedures. This is not done until after the incident. He stated that when this incident occurred, no one knew what to do. He also expressed concerns regarding drawing firearms when kids are around. He stated that the worse part is how the whole thing was managed.

Peter, SF Youth Commission, stated that he is angry about trying to find out what happened during the incident. He stated that this is not an acceptable report. He stated that students need to be in a situation where they are comfortable to keep them going to school.

Alison, Commissioners through Social Justice, was a teacher at Thurgood Marshall, stated that she was not contacted by the OCC. She also stated that there were no tensions within the students, there were tensions between the student and the school administration. She stated that on October 11th, dozens of students were arrested and injured because of the crowd control used by the police. She urged the Commission to conduct an investigation to make sure that this does not happen again.

Kim, former PTSA of Thurgood Marshall, gave information to the Commission. Asked the Commission to open an investigation and that community testimony will be different from what happened. She stated that she has a video regarding the incident. She also stated that there is another video that will show a meeting that was held the night of the incident. She stated that testimony is different from what the report shows.

Jonathan's mom, asked when parents are notified. She stated that her son was barricaded in and the way he was able to get out was through Silver and Bayshore and that is blocks and blocks away. She asked the Commission to investigate this matter.

Jose, Coleman Advocates, stated that he is angry with what is happening tonight. He stated that 67 officers violated the rights of their

children. He asked the Commission for justice.

Marjorie Miller expressed concerns and asked that everything be videotaped.

Vanessa Moses, Bay Area Cop Watch, handed the Commission a list of failures on the part of SFPD and the OCC. She stated that the assessment of the Department is way off. She urged the Commission to have another investigation to happen during the school year.

Jonathan read a list of what the community wants. He read, "We want independent investigation of the events, of the events that day that include, but are not limited to, the racial profiling and targeting of students of color during the incident into subsequent arrests. The secret meetings to intimidate parents and students that were condoned by the Mayor's office, Chief of Police, and superintendent of schools with legal counsel present on behalf of the school district and police about officers conduct include what was said, jokes, attitude, disposition, behavior during the event and after, after when the teacher and students were arrested and detained. Interviews, the interviews students, parents, teachers, administration, district staff, officers on that day, at the station, and after that day. In the future that SROs be lead officers in the school situations. The SRO program be familiar with the student bill of rights, safe schools policy, racial equity policies, and school procedures on handling conflict. That the new SF Police Commission adopts additional separate code of conducts for dealing with youth – please note: youth, children, and students refer to people 17 years and younger – with clear consequences. Also that the SFPD be trained and implement a uniformed development appropriate response to issues that arise at schools to ensure that there are no future disparity in officer protocol based on the race of students or staff, economic level, neighborhood, academy achievement, et cetera, of the school. Another valid assessment and critical evaluation of police in schools including – I mean, I'm sorry – incorporating public input and participation through the process. That there be an increase training specific to what development, developmentally appropriate behavior is amongst youth. How to recognize and work with students with special needs and handle, and how to handle and talk to youth in a way that de-escalate youth and uniforms them – informs them of their rights to help facilitate making appropriate choices when responding to an officer. That the SFPD receive anti-racism training. This is distinct from sensitivity training which is inadequate to address some of the deep-seeded anger and racism that permeates society. The SFPD will communicate in multiple languages whenever possible according to the needs of the community. When responding to schools, that the SFUSD administration should receive briefing and training of what officers' general orders are to facilitate better communication and appropriate expectations for police conduct and that there are always to be sun shining, transparency, and community involvement into investigation and disciplining of officers in the future and in particular regarding to the 10/11 Thurgood Marshall incident."

"The code of conduct should be clearly stated, the behavior based on include but not limited to no police officer will assault, assault youth for talking disrespectfully, speak disrespectfully to the youth to anger or to taunt them at any time, use violence as an initial means of ending conflict, use weapons to quell a weaponless disturbance, use gang tactics to intimidate or assault youth, assault or hurt children because they are unruly or don't listen to you, threaten to hurt or kill youth who are unarmed, attack a youth out of anger or frustration, attack youth who are unarmed, abuse, threaten, assault or arrest a person for recording any police actions in our schools, use excessive force or restrain youth in a way that would physically injure them, refuse or solicit or take into account perspectives of youth and adults when responding to call, refuse to give information about their identity as a police officer such as a badge number, name, precinct, chain of command, et cetera, to avoid being held accountable for their actions or impede citizen's ability to report accurately an interaction with the officer, participate in closed meetings to circumvent the due process and protections of youth such as an interrogation, questioning without adult parent or guardian present or being contacted."

Malaika Parker, Bay Area Police Watch, discussed concerns regarding the police department. She stated that the way to stop violence is not with violence.

Marylon Boyd, Justice for Cammerin Boyd Campaign, discussed concerns regarding police actions at Thurgood Marshall High School. She discussed concerns regarding police putting guns on a child's head and then arresting teachers. She stated that this is a pattern of practice with the Department that needs to be stopped. She asked the Commission to bring up charges against he officers who killed her son and who held guns on children's head.

Meesha Irizarry, Idriss Stelley Foundation, stated that it is important not to forget that there is racism directed to African-American youths. She stated that she is sick and tired of this.

Ismael, Youth Commission, stated that what keeps tension between him and law enforcement is that they want to be treated like human beings and not like animals.

Sharon Newman stated that there is absence of leadership. She asked that training be looked at when dealing with youths. She also asked that officers live in the city so that they can interact with the community.

Natasia stated that these issues have come up time after time and nothing is done. She stated that the police needs to be held accountable for their actions.

Ms. Lee, Coleman Advocates, stated that she has talked to students, administrators, and police officers about what happened. She stated that it was not a student riot, it was a police riot. She stated that this was preventable and does not have to happen and did not have to happen. She asked that any policy done by the Commission must be done in conjunction with the School District.

Edward Hasbrook, volunteer at Thurgood Marshall, stated that testimony heard is just the tip of the iceberg and stated that this is not a hearing. He stated that a lot of people are not here because they are afraid to be here. He asked the Commission to pass a resolution that what happened was wrong. Two to pass a resolution apologizing to the community about what happened. And three that these young people be commended for coming forward.

Edward Paller asked the Commission why undercover agents have not been disbanded. They harass the people and asked whatever happened to serve and protect.

Commissioner Orr-Smith thanked the community for coming. She stated that, "This has been a very important hearing. We've been on the Commission less than three months, and time and again we've heard complaints from the community about violence. We've just had an unprecedented experience of loss of life in our communities of young African-American men and Latino men and I personally, as a Commissioner, am deeply touched by what you've said. In fact, I'm heart-broken. And I say that for all of the reasons that I am who I am. As an African-American woman, as a mother, as a former police officer, former wife of a police officer, as a resident of Bayview Hunters Point, as a aunt, sister, cousin of black men who are your age. I'm heart-broken. This is the city of Saint Francis. It's supposed to be peaceful and loving. Some of the comments were that we need to dig deeper, and I say we do. We do. Someone asked that the human beings on the Police Commission and the Police Department step forward. We human beings have hurt you."

"And I have a request. Mr. Allen, Chief Fong and the Command Staff, could you come here before us just for a moment. This is a personal request, if you don't mind. I know you all by first names and I just want to say I respect you tremendously. I trust you. I do. I trust your professionalism, your humanity, and your compassion. And I just ask you tonight to listen with your heart and with your compassion to what's been said. These are children of San Francisco who were terrorized and frightened, and, yes, the policies and procedures we know well. They are honed and polished and they are stellar

across the country, but do they allow us to be compassionate to our fellow citizens? Do they facilitate our being protectors and servants of the people? I don't know, Greg. I can say it seems like it's like a doctor saying, 'the surgery was a success but the patients are dying.' This may be uncharacteristic of a Police Commissioner but I'm a person and I know each of you are, and I know you all joined the Police Department to do just that – to serve and protect. That's why I joined. That's why I'm back here because I believe in you, and I know you can do this. I know you can. I just ask that you look at those policies and say after I've written, I'm all done, is anybody going to be served by what I've written. Do my policies leave people feeling whole and safe? Do my policies promote and foster trust in police officers? Is what I did today what I want to go home and tell my kids I'm proud of? I'm just asking you, consider, consider. We are a community in grief and longing and hurting and I can't scream or yell or propose anything else but to ask for your help. This community says help us. Help us."

"We don't need another investigation. You're the best. But I ask you to look again. Dig deeper. Don't come out of your deliberations until what you write, what you proposed, causes you to feel compassion that the work that you do and the assignments and the policies you create promote and foster well-being in this community. You can do it. I know you can and I trust you to do that. That's from me to you and I apologize if I'm out of order, but I don't think being honest, being honest is out of order. Thank you for your leadership and commitment and I just really look forward to more input from you based on what we've heard, what we've seen. The courage it took to come here tonight. They've been sitting on these painful visions and thoughts and complaints for nearly two years, and they've come because they expect, and the have a right to expect, that we're going to respond. And I just ask you to do your best in coming up with some responses that really lead from the heart and our humanity as we seek to serve this city. Thank you for indulging me. Thank you."

Commissioner Keane stated that was quite compelling. He stated that the Commission needs to follow through with what was heard tonight. He stated that this is a hearing and this is the first hearing that's been set. One, there should be further testimonies. Tapes should be seen in public forum and discussed. In regards to the OCC report, the people who are here from the department and the OCC are good people. Things happened at Thurgood Marshall that were wrong and should be addressed but in regard to the OCC constraints, they should look at their investigation in regards particular police officers. Commissioner Keane stated that he's troubled that so many have come to these meetings and spoken out and the OCC's investigation does not mention any who are present. It mentions talking to police officers but it does not mention talking to the community that is present here tonight. This should not be let go. Commission Keane asked if the Commission should appoint a special master to make findings relating to specific issues such as use of force, were there things that was done that should not have been done. There should be a determination. Commissioner Keane suggested this item be calendared when school is back in session and further testimony taken and look at tapes then the Commission should have a discussion and decide what needs to be done to proceed further.

Commissioner Sparks stated that this item is not close and thanked the young people and their parents for coming forward and thanked them for coming.

Motion by Commissioner Keane to set September 22nd to hear this item again and arrange for viewing of video. Second by Commissioner Chan. Approved 4-0.

AYES: Commissioners: Orr-Smith, Chan, Keane, Sparks
RECUSED: Commissioners Renne and Marshall

ABSENT: Commissioner Veronese

Commissioner Keane asked Lt. Geeter to assemble for the Commission a roster of people who feel they can give information that would be helpful to an inquiry in this matter.

Commissioner Sparks asked President Kelly, and Commissioner Sanchez, and youth commission talked about public hearings held regarding this matter would be a good compilation to have as far as what has been determined, what other testimony and findings have been developed.

Commissioner Keane asked that copies of videos be made and given to the Commission.

**PUBLIC COMMENT**

Kim Maufus asked about special master who will receive information from the community and can that information be made public where that person will be.

Commissioner Orr-Smith stated that it's not been determined that there will be a special master. What have been requested is that the public make known their contact information to Lt. Geeter so that at such time that there may be a special master, that he would already have information to outreach to people.

Sandra Cooper, Idriss Stelley Foundation, thanked the Commission in hearing this incident.

Michael discussed concerns and stated that he was assaulted by police and stated that he made an OCC complaint.

Meesha Irizarry, Idriss Stelley Foundation, discussed concerns and asked the Commission to involved the different community organizations.

Ed discussed concerns regarding guns.

Unidentified stated that a sheriff officer called her names. She also asked that meetings be televised.

Francisco Delcosta stated that we should move forward and that mistakes should not be repeated.

Unidentified asked that Union for Teachers be allowed to participate in this matter. She asked Director Allen make sure that unions are involved so that teachers can be protected when they speak out.

Jonathan's mom stated that her son is shipping out on August 25th to the Navy and asked that her son be able to identify the officer who pulled the gun on him if at all possible before he leaves. Commissioner Orr-Smith asked that she sees Ms. Medley.

Thereafter, the meeting was adjourned 9:50 p.m.

_____

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
PRESIDENT

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, JULY 21, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Presentation by the Department's Sexual Assault Unit on the Unit's function and the Sexual Predator Registering program
   b. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

3. Disposition and possible action to approve awards to members of the Department as recommended by the Police Department's Awards Committee (ACTION ITEM)

4. Discussion and possible action to adopt a Statement of Incompatible Activities for the San Francisco Police Commission in compliance with San Francisco Campaign and Governmental Conduct Code section 3.218 (ACTION ITEM)

5. Commission Announcements (DISCUSSION ONLY)
   a. Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-113 JWA)
   b. Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer William J. Rossi (File No. C04-089 JWA)
   c. Scheduling of items identified for consideration at future Commission meetings

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

JULY 21, 2004 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Renne, Veronese

CHIEF'S REPORT

a. **Presentation by the Department's Sexual Assault Unit on the Unit's function and the Sexual Predator Registering Program**
b. **Review of Recent Activities**

Deputy Chief Tabak, Investigations, introduced Inspectors Zerga and Cazassa of the Sexual Assault Unit.

Inspector Cazassa, Sexual Crimes Unit, gave a brief overview of the Sexual Assault Unit. Inspector Cazassa stated that many cases are domestic violence cases. She stated that fingerprints are very rare to find in these kind of cases. A lot of time is taken to collect all the evidence that needs to be collected. All cases are time consuming and do take a long time. Victims are many times reluctant to participate in the process of the investigation. Trying to keep the victims on board gets harder as time passes. Advocates are involved in the process to keep victims on board. A lot of reluctance is based on time that has gone back and the humiliation of the incident.

Commissioner Orr-Smith asked what kinds of cases are seen by the unit and what is the average time line of prosecuting the case. Inspector Cazassa stated that acquaintance rape and intoxication rapes are common. Kidnaping cases are very rare. Drugs being used are GHP, Rubinol, mostly GHP and the hard part of doing these investigation is the drug works in the metabolism very quickly. It stays in the system for approximately eight hours. Ecstasy is also used. Commissioner Orr-Smith asked about support for rape victims. Inspector Cazassa stated there are centers, Rape Treatment Centers, that have counselors that work with the victims. In the District Attorney's there is a victim/witness unit that also assists with that process for advocacy.

Commissioner Sparks asked which neighborhoods has the highest concentration as far as sexual assault? Inspector Cazassa stated that as far as sexual assault, it is concentrated in the South of Market area and towards the avenues in the Taraval around 48th and 47th Avenues. Commissioner Sparks asked if there is an increase in same sex violence in recent years? Inspector Cazassa. stated she has not seen same sex violence because it is rarely reported.

Commissioner Keane, in addition to counseling, how prevalent is the problem as far as STD and what steps are followed. Inspector Cazassa stated it is routine to have the victim checked for STDs and HIV. Commissioner Keane asked how common a problem is STD and HIV as result in sexual assault. Inspector Cazassa stated not many as far as sexual assault. In her five years there, she has had no victims that contracted STDs or HIV as a result of sexual assault.

Inspector Zerga, Sex Offender Unit, gave an overview of the unit. He stated that in 1996, Megan's Law was adopted on a Federal level. California has more sex offenders than any other state. Since 1999 databases were created to make sure where sex offenders are. The unit receives arrest for 290 PC which deals with sex offender section. This is then brought to the DA to see if there is any merit to the case. The unit is also tasked for sex offenders to register, five days before their birthdays or when they move. The unit updates the registration. They also get a lot of request for paperwork from other

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jurisdictions when sex offenders move into their district. They also check address and they go out to those addresses to check and make sure offenders are living there. They also go to community meetings to address questions from the community. In San Francisco, there are 976 sex offenders living in San Francisco that are registered. San Francisco is 96 percent of sex offenders in San Francisco are in compliance and are registered. The four percent are basically homeless. There are about 100 homeless sex offenders in San Francisco. There's three categories of sex offenders: high risk, serious, and others. High risk are multiple offenders with multiple convictions and felonies. There are 26 in San Francisco and they are monitored very closely. 761 serious offenders which are people with at least one felony conviction. Recently, the high risk sex offenders are put on the website.

Commissioner Orr-Smith thanked Inspector Zerga for his presentation.

Commissioner Keane asked if electronic bracelets are used for monitoring and would that be a benefit that the SFPD would want to implement at some point. Inspector Zerga stated that state parole uses the bracelets. State Parole has about 66 sex offenders that they monitor. Inspector Zerga stated that under the 290 Sexual Registration Law, the Department cannot put special restrictions on sex offenders unless they are on probation or state parole.

Chief Fong discussed a number of incidents. Chief Fong discussed an incident at the Airport regarding a bomb threat. Fortunately there were no explosive devices found in the vehicles. Over the last two months, there have been burglaries in the Airport. The suspects were arrested by the San Mateo County Sheriffs Department and the Airport bureau.

In the City there was an incident on Pine Street. Police responded to a burglary and with the assistance of a witness, a suspect was taken into custody. In the Bayview, officers conducted a probation search of a suspect and during that search, an assault weapon was located under the mattress where the person was resting. There also was a robbery of a business that occurred and there was a videotape made of that robbery. Officers were able to identify suspect through the video tape and take the suspect into custody.

In the Mission district, a footbeat officer was on his beat and observed a number of suspects who he felt were suspicious. They were gathered around a vehicle that seemed to be filled with belongings. When the officer investigated he noted that the belongings in the car were computers and cameras. The officer was able to identity the property of the victims who had reported previous burglaries and as a result, that officer were able to take suspects into custody.

In the Tenderloin, one of the approach the department uses a campaign against drug abuse in the high intensity drug trafficking areas. In areas where there is a lot of drug activity, there is an initiative where the officers go out, make arrests with regards to drug activity but at the same time, there are beds set aside in rehab so that if someone wants to seek rehabilitation, they are taken to that site instead of booking them into County Jail. This program is funded along with other states jurisdiction.

There was a joint operation between Investigations and FOB regarding a homicide in San Mateo in a karaoke club. Chief Manheimer called the department for assistance. The Department's Asian Gang Task Force along with the Oakland Police Department's Asian Gang Task Force worked with the San Mateo Police Department. Two officers recognized the suspect in the Ocean Beach area. The suspect was taken into custody and San Mateo PD was notified.

On Friday there was a press conference with the Mayor, the Fire Chief, and Chief Fong. AT&T donated $40,000 to the City of San Francisco in order to purchase search and rescue dogs. The Fire Department will have three of the dogs and the Police Department will have one. The dogs are trained to search for missing individuals and search and rescue.

Today at the Tenderloin Station, SAFE and community-based organizations sponsored a Tenderloin Kids for Safety Parade and a picnic party at Boedecker Park.

Commissioner Orr-Smith stated it's good news for the search and rescue dogs.

Commissioner Keane stated that a reporter came and visited him on an article regarding Chief Fong. The reporter said that he can't find anything negative to say about the Chief. He also dropped in at Richmond Station for their open house and stated that Captain Tong gave a great presentation and she did a fine job. Commissioner Keane stated he was very impress with the presentation.

Chief Fong stated that the National Night Out is coming up and will let the Commissioners know

.

Commissioner Chan stated there was an assault on muni driver and a video taken. Is video tape program under the control of Muni or the Department's and how useful has it been? Chief Fong stated it is under MTA and Muni Railway. However, if it is part of evidence, then it is taken by the department. Whenever there is video tape, crime lab will take custody of it.

PUBLIC COMMENT:

Richard Stipman would like community policing to get cooperation from community.

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen stated that he has spoken to Mr. Stipman and will help him with his concerns.

Director Allen stated that last week, Donna Medley attended a meeting dealing with incarceration of young black women in San Francisco. One of the facts that came up is that San Francisco, numerically, incarcerates more young African-American women than any cities in the nation. He checked database to see if patterns and practices can be found. He stated that there was an alarming set of statistics and Ms. Medley is checking on those statistics.

Director Allen talked about mediation is investigation but cases can be resolved when you have two individuals, victim & officer, to discuss and sit down and talk about incident because most cases there are no witnesses.

Commissioner Orr-Smith stated please make proposals to the Commission regarding mediation. She stated that mediation process constitutes investigation itself and it will be benefit to the community and the department. She further asked about African-American women arrests. Director Allen stated that he will talk to his chief investigator and he will get another update in two weeks as far as how meetings are going.

Commissioner Chan asked if OCC has rules regarding mediation. Director Allen stated the Commission has rules for mediation. Commissioner Chan stated his concern is within the role of the mediator. Do the rules address the potential for the mediator becoming a witness. Director Allen stated that

stated that he is currently studying different rules for mediation.

PUBLIC COMMENT:

Richard Stipman addressed the Commission regarding setting of policy and hopes that the Commission would ask the Director of the OCC if there is failure by previous Commissions to aggressively set policies from the top.

**DISPOSITION AND POSSIBLE ACTION TO APPROVE THE AWARDS TO MEMBERS OF THE DEPARTMENT AS RECOMMENDED BY THE POLICE DEPARTMENT'S AWARDS COMMITTEE**

Motion by Commission Chan. Second by Commissioner Sparks. Approved 5-0

PUBLIC COMMENT:
None

**RESOLUTION NO. 64-04**

**AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT**

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Thursday, July 15, 2004; and

WHEREAS, Chief of Police Heather Fong has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Barry Parker is hereby awarded the Gold Medal of Valor and granted a reward of a full month's pay, as provided for under said section of the Charter; and be it further

RESOLVED, that Officers John Ferrando and John Torrise are hereby awarded Silver Medals of Valor and granted rewards of $1000.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Officer Sean Griffin is hereby awarded the Bronze Medal of Valor and granted a reward of $500.00, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Michael Zurcher, Inspectors James Ramsey, Herman Jones, Paul Swiako, John Geraty, Officers Kim Mercer and Kyra Delaney are hereby awarded Meritorious Conduct Awards and granted rewards of $200.00 each, as provided for under said section of the Charter.

| | |
|---|---|
| AYES: | Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks |
| ABSENT: | Commissioners Renne, Veronese |

**DISCUSSION AND POSSIBLE ACTION TO ADOPT THE STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION IN COMPLIANCE WITH SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE SECTION 3.218**

Motion by Commissioner Keane. Second by Commissioner Marshall.

Commissioner Sparks asked about time demands. Ms. Morley explained that 3.218 has a Section C that sets forth all the categories that is required for the statement and the fourth category is on Time Demands. The reason it is so vague because it is up to the Commission to decide how much time to give to the job. Commissioner Sparks would like it deleted.

Motion by Commissioner Keane to delete section on time demands. Second by Commissioner Chan. Approved 5-0.

Motion by Commissioner Keane to approve as amended. Second by Commissioner Marshall. Approved 5-0.

PUBLIC COMMENT:
None.

RESOLUTION NO. 65-04

**ADOPTION OF A STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION IN COMPLIANCE WITH SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE SECTION 3.218**

RESOLVED, that the Police Commission hereby adopts the Statement of Incompatible Activities for the San Francisco Police Commission, as amended, in compliance with San Francisco Campaign and Governmental Conduct Code Section 3.218.

| | |
|---|---|
| AYES: | Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks |
| ABSENT: | Commissioners Renne, Veronese |

## STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE SAN FRANCISCO POLICE COMMISSION

This Statement of Incompatible Activities is required by San Francisco Campaign and Governmental Conduct Code section 3.218. This Statement does not specify every possible limitation on incompatible activities. It is intended to provide guidance to Commissioners about what types of activities are incompatible with their duties to the San Francisco Police Commission. Engaging in the activities identified in this Statement as incompatible may subject a Commissioner to discipline, as well as to monetary fines and penalties. (C&GC Code § 3.242.) No discipline or penalties may be imposed for engaging in incompatible activities until the Commissioner has an opportunity to explain why the activity should not be deemed incompatible. (C&GC Code § 3.218.)

Nothing in this Statement shall exempt any person from applicable provisions of other laws. Any questions about the interpretation of this Statement should be directed to the Office of the City Attorney.

### I. GENERAL

The mission of the San Francisco Police Department is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate certain business activity and other non-criminal conduct within the City and County of San Francisco as provided by law. The mission of the Police Commission is to set policy for the Department and to

conduct disciplinary hearings on charges of police misconduct filed by the Chief of Police or Director of the Office of Citizen Complaints, impose discipline in such cases as warranted, and hear police officers' appeals from discipline imposed by the Chief of Police.

## II. USE OF DEPARTMENTAL RESOURCES AND PRESTIGE OF OFFICE

### A. Use of Departmental Resources

City resources, including telephone, computer, fax machine, or supplies, may not be used for personal or other non-City purposes, including, but not limited to, political activity.

Notwithstanding this general prohibition, occasional use of the telephone to communicate about personal or family matters such as doctor appointments, child care, transportation arrangements, or meeting times and similar de minimus uses will not constitute a violation of this section.

If a call or email relating to non-City matters is received, and is not permitted by this section, the Commissioner should inform the person of the appropriate non-City contact information and conduct the conversation at another time not using City resources.

### B. Use of Prestige of the Office

Police Commissioners may not use their City title or designation for any private gain or advantage. Examples of such misuse of City title or designation include, but are not limited to, the following:

- Distributing City business cards for any non-City purpose that may lead the recipient of the card to believe that the Commissioner is acting in an official capacity when he or she is acting in a personal or other non-Commission capacity.

- Using City letterhead, City title, or City email for any non-City communication that may lead the recipient of the communication to believe that the Commissioner is acting in an official capacity when he or she is acting in a personal or other non-City capacity.

- Otherwise presenting oneself in the course of a personal or non-City activity as a representative of, or acting in the name of, the San Francisco Police Commission, unless authorized by the Police Commission to do so.

## III. COMPENSATION FOR ASSISTANCE WITH CITY SERVICES

Members of the Police Commission may not receive or accept anything of value from anyone other than the City for the performance of an act the officer would be expected to render in the regular course of service to the San Francisco Police Commission.

Nothing in this section shall preclude the receipt of a bona fide award provided to recognize exceptional service by a City officer, that is not provided in return for the rendering of specific services.

## IV. ACTS SUBJECT TO REVIEW BY THE DEPARTMENT

Police Commission members may not engage in activities that are subject to the control, inspection, review, audit or enforcement of the San Francisco Police Commission. Examples of activities prohibited by the section include, but are not limited to, the following:

- Maintaining a financial interest or investment in, or receiving income from, a Patrol Special beat or territory established by the Police Commission pursuant to San Francisco Charter section 4.127.

COMMISSION ANNOUNCEMENTS

a. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-113 JWA)**
b. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer William J. Rossi (File No. C04-089 JWA)**
c. **Scheduling of items identified for consideration at future Commission meetings.**

RESOLUTION NO. 66-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, (FILE NO. C04-113 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford, Star No. 1707, Administrations, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioner Renne, Veronese

RESOLUTION NO. 67-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER WILLIAM J. ROSSI (FILE NO. C04-089 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer William J. Rossi, Star No. 514, Traffic, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William J. Rossi; therefore be it

RESOLVED, that Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William J. Rossi, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioner Renne, Veronese

Commissioner Marshall would like a report on Witness Relocation.

Commissioner Keane asked about his proposed resolution. It will be on the agenda for September 15th.

PUBLIC COMMENT:
None

**PUBLIC COMMENT**:

Michael regarding helicopters and concerns.

Marylon Boyd, mother of Cammerin Boyd, introduced Dennis Cunningham, Attorney, and asked the Commission to consider what can be done as a family to get justice for her son. She stated that it's been 90 days and she has not gotten any information on how the shooting occurred and no indications as to what is happening to the officers who shot her son. She stated that she has spoken with Sgt. Spillane to asked for her son's personal property and the sergeant stated that it is being held due to the homicide investigation.

Dennis Cunningham, Attorney for Boyd Family, stated he is trying to help the family. He stated that there are 30 or 40 witnesses but they are afraid of police because they have been intimidated by the police.

Malaika Parker, Bay Area Police Watch, wanted to comment regarding property not being returned to Ms. Boyd. She stated that there are a number of families in a similar situation.

Michelle Shepard, Aunt of Cammerin Boyd, asked for justice for Cammerin Boyd. Please take action. She stated that the Mayor, the Police Department, the OCC, and the D.A., is not working for justice.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

## SAN FRANCISCO POLICE COMMISSION AGENDA

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

**REGULAR MEETING**
**WEDNESDAY, JULY 28, 2004**
**6:00 p.m.**

**INGLESIDE DISTRICT**
**Ingleside Station Community Room**
**#1 John V. Young Lane**
**San Francisco, California**

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)
   a Scheduling of items identified for consideration at future Commission meetings

4. Approval of minutes of the Police Commission meetings of June 23rd & 30, 2004 (ACTION ITEM)

5. Captain Paul Chignell, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District (DISCUSSION ONLY)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

***KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE***
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupers/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

# SAN FRANCISCO POLICE
# PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

**Communication accessibility services; including sign language Interpreters or computer aided real time captioning** will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

**Individuals with severe allergies, environmental illness, multiple chemical sensitivity** or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: Ingleside Police Station, #1 John Young Lane, San Francisco

Accessible MUNI lines serving this location is: J, K, and M Streetcars, #26 Valencia, 54 Felt
For information about MUNI service call 923 6142

The closest BART Station is: Balboa Station

Accessible parking #1 John Young Lane

For information about the meeting call (415)553-1667(v) or 553-9194 (tty)

The Personnel of Ingleside Station welcome:

## The San Francisco Police Commission

### Meeting at Ingleside Station

Come and Join us for The Commission Meeting in our Neighborhood

# Wednesday July 28, 2004
# 6:00 p.m

Ingleside Station Community room
1 Sgt John V. Young Lane

Call 404-4000 for further information

JULY 28, 2004 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Ingleside District at the Ingleside Police Station Community Room, 1 Sergeant John V. Young Lane, San Francisco, at 6:05 p.m.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Marshall, Veronese

Commissioner Renne asked if the meeting could start with a moment of silence in memory of Captain William Davenport who past away this weekend after a battle with cancer.

Deputy Chief Suhr stated that Chief Fong will be arriving late due to her attending the viewing of Captain Davenport. Chief Suhr introduced the Command Staff: Acting Commander Steve Tacchini, Commander Harper, Commander Craig, Commander Shinn, Deputy Chief Parra, and Deputy Chief Tabak and Captain Chignell.

Commissioner Renne introduced herself and gave a brief bio. Thereafter, each Commissioners introduced themselves and gave a brief bio.

Supervisor Sandoval spoke on several issues within the district, crime increase in certain areas, and traffic issues within the district. He also mentioned that the budget will allow 80 more officers on the street and he hopes that Ingleside and District 11 will get some of those officers.

## CHIEF'S REPORT

**a. Review of Recent Activities**

Chief Fong introduced Captain O'Leary, Risk Management, to report on a public records request.

Captain O'Leary reported that the Department had received a second public records request from the ACLU regarding the Cammerin Boyd officer-involved shooting case. He stated that the Department is prepared to release certain information, however, the Department has received a letter form the District Attorney's office requesting that no information on this particular case be released until the District Attorney completes its investigation.

## CAPTAIN PAUL CHIGNELL, COMMANDING OFFICER OF INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Chignell, Commanding Officer of Ingleside Station, addressed the Commission and public on police activities within the Ingleside Police District. He reported on crime, community policing, station personnel, and the number of police officers who reside within the district.

Lieutenant Lon Ramlan described how the community can get crime information off the department crime mapping on the department's website.

Commissioner Marshall asked Captain Chignell if he was aware of the Sun Project. Captain Chignell stated that yes, he is aware of the project and he is looking forward it.

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## OCC DIRECTOR'S REPORT

**a. Report on the function of the Office of Citizen Complaints**

Ms. Jean Field, OCC Attorney for Director Kevin Allen, addressed the community and the Commission. She handed out brochures and described the

function of the Office of Citizen Complaints and how complaints are received and investigated and the number of personnel.

PUBLIC COMMENT:

Steve Currier, Outer Mission Residents Association, stated that he felt that the ADA officer did not adequately check out the first location chosen to hold the Commission meeting at Crocker Amazon Rec Center. He also thanked Captain Chignell for the great job he and his officers are doing. He then presented a check for $5,000 from ARCO to his organization to be used with the SRO high school training program.

Robert Layman thanked Captain Chignell for doing a good job. He also recommended that more Chinese officers be assigned to Ingleside District. He also thanked Captain Bruce for his daily emails.

Darcy Brown, Chief of Staff for Supervisor Sandoval, invited everyone to an event at McLaren Park on Sunday, August 1st, at 11:00 a.m.

Meesha Stelley, Bayview resident, stated that it is a good thing to see officers walking the beats in certain neighborhoods. She also asked Captain Chignell if he worked with the Peace Makers and the Sharon Wait Program. Captain Chignell stated yes.

D. Cunningham, attorney, stated that he was at the meeting last week and wanted to apologized for his action when he failed to leave the microphone when his three minutes was up. He also stated that he does not see why reports are not released on the Cammerin Boyd case just because the DA asked that the information not be released.

Marie Capenseto, OMI, thanked the officers of Taraval District and Captain Sanford's TNT Team. She also wanted to say that she disagrees with the Commission's decision to release officers' information. She stated that it is dangerous and bad for the officers' morale.

Commissioner Renne asked the Commission and the community to recognize Ms. Patricia Gray, Principal of Balboa High School.

Lori Sum, Project SAFE, stated that she is proud to work with Captain Chignell and the officers of Ingleside Station. She stated that today, two officers joined her in knocking on doors of over 800 homes to distribute crime prevention information to people of Asian community who have been recent victims of crime in the district.

Ms. Martinez, member of co-op, commended Captain Chignell for his enforcement team and for doing a good job.

Sandra Cooper, Idriss Stelley Foundation, asked that the city work together to solve the problems of the city and that citizens should attend the citizen academy.

Minnie Ward, OMI, thanked the Chief for bringing back the TNT Team and stated that she and the community support the officers and they are willing to testify on their behalf.

Malaika Parker, Bay Area Police Watch, stated that she does not understand why information on the Cammerin Boyd case can't be released if all the investigations are independent of each other. She also stated that the 3 to 5 minute time limit for people to talk about this issue is not enough time.

Commissioner Keane asked that the letter form the district attorney be officially added to the minutes and possibly placed on the website.

Andrea O'Leary asked that perhaps some misconduct cases be handled at the district or community court level instead of the criminal court system since most of the infraction cases are thrown out.

Mary Harris thanked Chief Fong for the Highway Patrol Officers and extra officers in the OMI area. She also spoke against the Commission's decision to release officers' names that were involved in OIS cases and that the Commission should rescind their decision. She read a letter to the Commission

from the District 11 Council memorializing that point.

Douglas Moran, OMI resident, thanked the Department for putting sex offenders on the website. He also thanked Captain Sanford for the good work he is doing.

Karen Wood, Miraloma Park Improvement Club, wanted to second the comments of a previous speaker that the Commission discontinue the risky and disagreeable practice of publishing the names of officers involved in shootings. She also read a letter from the Miraloma Park Improvement Club.

Jennie Haney, resident, stated that she was stunned when she read that this Commission had released the names of the officers who were involved in that controversial shooting and she would like for one of the Commissioners to give an explanation for such conduct.

President Renne explained that the Commission can only listen and cannot get into dialogue.

Dr. Honeycut thanked Captain Bruce for the work being done in the Bayview. She stated that she teaches at the Southeast Community Center and a resident of the Ingleside OMI and she wanted to thank the Commission for their efforts.

Ms. Rocha thanked Captains Bruce, Dillon and Chignell for doing a good job. She stated that there is an OCC but there should also be an Office of Citizen Compliments.

Patricia Gray, Principal of Balboa High School, stated that Balboa has students from all over the city and that she appreciates that the department and that she gets great support from the police in the district and she wanted to thank them.

Dorothy Antron stated that there are people who walk in the streets and at times causes accidents and that it is not just the drivers. She also thanked the department.

Betty Wilson, Visitation Valley resident, thanked Captain Chignell and officers in the district.

Bill Wilson, Sunnyside neighborhood, stated that whenever they call the police, the police always respond and address their concerns.

Eva Shepherd thanked Captain Chignell.

Letter from Lou Landini, Chief of Investigations, Office of the District Attorney, dated July 22, 2004, to Lieutenant Charles Keohane, SFPD, Legal Office, re: San Francisco Police Department Case No. 040517902, Officer-Involved Shooting Investigation, Deceased — Boyd, Cammerin:

"Dear Lt. Keohane:

As we discussed briefly by telephone on July 21, 2004, the San Francisco District Attorney's Office has been conducting an investigation of the above-referenced matter. The investigation, however, is not yet complete.

Because the District Attorney's Office inquiry is still in progress, it is our concern that a release at this time of the records of the San Francisco Police Department pertaining to this case could adversely impact our investigation.

It is therefore requested that the San Francisco Police Department defer the dissemination of its records in this matter until the District Attorney's Office investigation is concluded.

Very truly yours,
Kamala D. Harris
District Attorney

Lou Landini
Chief of Investigations"

APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETINGS OF JUNE 23RD & 30, 2004

Taken out of order.

Motion by Commissioner Orr-Smith to approve the minutes. Second by Commissioner Marshall. Approved 7-0.

Commissioner Marshall stated that he wanted to say publicly that he knows what the police are up against and he wanted to say thank you for what they are doing.

Commissioner Sparks wanted to thank the citizens who have spoken up. She stated that it is refreshing to hear the other side of the story, that it's a balance for the Commission.

Commissioner Veronese invited the community to attend the Commission meeting at City Hall and stated that he was pleased to see the community support the police.

COMMISSION ANNOUNCEMENTS

**a. Scheduling of items identified for consideration at future Commission meetings**

Commissioner Chan asked for a report or presentation on the interaction between the Police Department and DPW in preventing or addressing vendors blocking the sidewalk, sidewalk displays, and permits. He also asked for a report on the interaction between Park and Rec and the Police Department regarding park use and dog issues.

PUBLIC COMMENT:

Michael Beauchamp spoke regarding a fraud case from 1998.

Barry Toronto, cab driver, spoke on the activities of the officers of Central Station and stated that the officers are preventing cab drivers from making a living by blocking off Broadway Street.

Thereafter, the meeting was adjourned at 8:20 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, AUGUST 4, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

SF
P45
#1
8/4/04
c 2

***Closed Session (5:00 p.m.)***

Roll Call.

1. Public Comment on all matters pertaining to the Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d).

   CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: AS DEFENDANT
   Significant exposure to litigation pursuant to California Government Code Section 54956.9(b).

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***Open Session (5:30 p.m.)***

Reconvene to Open Session.

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a))

5. Chief's Report (DISCUSSION ONLY)
   a. Report on the activities of the Traffic Enforcement Unit.
   b Review of recent activities.

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of recent activities, including an update on scheduling of the OCC's report on the implementation of its policy recommendations from 1999-2004.
   b. Presentation of OCC cases eight months and older.
   c. Presentation of OCC's Quarterly Report.

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, AUGUST 4, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

7. Discussion and possible action to approve Revised General Order 7.02, "Psychological Evaluation of Juveniles" (ACTION ITEM)

8. Discussion and possible action to authorize the Chief of Police to retroactively apply for, accept, and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the "Cops-In-Schools Program" (ACTION ITEM)

9. Withdrawal of the appeal of the Chief's Suspension of Officer Jeffrey Aloise for further proceeding before the Chief of Police (ACTION ITEM)

10. Discussion and possible action to instruct the Chief of Police to work with the City's Purchaser to terminate the Kroll contract. (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)
    a. Notice of assignment and setting of date for hearing on disciplinary charges filed against Sergeant Jeffrey A. Barry (File No. C04-062 JWA).
    b. Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA).
    c. Notice of assignment and setting of date for hearing on disciplinary charges filed against Inspector Paul Falconer (File No. C04-199 JWF).
    d. Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Edmund J. Cota (File No. C04-120 JWF).
    e. Notice of assignment and setting of date for hearing on disciplinary charges filed against Sergeant John Syme (File No. C04-121 JWF).
    f. Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer Daniel Miller (File No. C04-122 JWF).
    g. Notice of assignment and setting of date for hearing on disciplinary charges filed against Captain Gregory Corrales (File No. C04-123 JWF).
    h. Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Henry J. Parra, Jr. (File No. C04-124 JWF).
    i. Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer Gene P Cornyn (File No. C04-125 JWF).
    j. Scheduling of items identified for consideration at future Commission meetings

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, AUGUST 4, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

12. Public Comment
***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

***PLEASE NOTE**: The Police Commission will be holding a public, Special Meeting this month at a location other than City Hall.*

1. *The Commission will hold its Community Meeting at the Park District, San Francisco Public Library, 1833 Page Street, San Francisco, at 6:00 p.m., on Wednesday, August 25, 2004, to hear comments from the public and Park Captain John Ehrlich concerning public protections issues in the Park District.*

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

***KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE***
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupers/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

**Communication accessibility services; including sign language Interpreters or computer aided real time captioning** will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

**Individuals with severe allergies, environmental illness, multiple chemical sensitivity** or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400
21 Dr Carlton B. Goodlett Place, San Francisco

Accessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 4, 2004 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:20 p.m., in Closed Session.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.1(d))**

Motion by Commissioner Veronese. Second by Commissioner Renne. Approved 5-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
AS DEFENDANT
Significant exposure to litigation pursuant to California Government Code Section 54956.9(b)

AUGUST 4, 2004 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**VOTE TO ELECT WHETHER TO DISCLOSE ANY AND ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Keane for non disclosure. Second by Commissioner Marshall. Approved 6-0

**CHIEF'S REPORT**

a. **Report on the activities of the Traffic Enforcement Unit**
b. **Review of recent activities**

Chief Fong introduced Captain Ed Springer on the update of activities of the Traffic Company.

Captain Ed Springer, Traffic Enforcement Unit, described the mission of the Traffic Company. Captain Springer stated that the district stations wrote over 30,000 traffic citations in the city. Year to date there are 2100 citations issued for unlicensed drivers. Captain Springer talked about the different programs that the Traffic Company work with for education, to reduces DUIs, and for pedestrian safety.

DOCUMENTS DEPT.

APR - 4 2005

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Commissioner Chan asked about pedestrian-involved collisions. Has the program of timed green lights or warning pedestrians knocked down injuries and fatalities. Captain Springer stated clearly it has impact on the number of injuries and fatalities. Captain Springer explained that the district station Captains, the Department of Parking and Traffic, and working with the community have a lot to do with making changes in the timing of lights.

Commissioner Renne asked about the number of motorcycle officers and do they work different shifts and what are hours. Captain Springer stated there are 60 officers and they work 10-hour shifts, seven days a week. Currently they all work out of the Hall of Justice and have geographical areas of responsibilities. They primarily focus on traffic enforcement within that district. Captain Springer explained that due to many events that can be happening in the city, the motorcycle officers need a main place to meet and be briefed. Commissioner Renne expressed concern regarding not seeing motorcycle officers on the street. Captain Springer stated that there is not a lot of motorcycle officers but based on the number of tickets they write, they are out there.

Commissioner Veronese asked if each have their own bikes. Captain Springer stated they each have their own bikes.

Chief Fong updated the Commission on recent activities. She stated that on Saturday the Mayor was in the Bayview. She stated that it was a very positive event and are looking forward to moving to different communities in the city. On Sunday, the Chief had a national conference call from Homeland Security and have been informed that the city have been elevated to orange alert. The Department immediately looked at additional resources to be deployed to ensure that message is out and answer questions from the community. As information changed and more information was released, resources were redeployed. On Monday, Chief Fong responded to a Congressional Hearing to discuss burglary that occurred over the 4th of July weekend. In light of the burglary, the department no longer use the site. Yesterday, in light of information that came in on Sunday, they met with OES to coordinate efforts. Last night, in San Francisco, there were five National Night Out Events. In San Francisco several districts had barbeques with community groups and in the Northern District, they had a peace march. It was a collaboration between the community and the department. Chief Fong talked about an article in which the suspect was booked and taken into custody due to a call from a citizen. In the Bayview area, officers were able to arrest suspect with a firearm. Officers in Bayview were able to arrest four suspects, with narcotics and firearms. In the Mission, a robbery occurred where the officers took the suspect in custody. In the Ingleside, officers were able to discover a handgun and crack cocaine and took the suspect in custody. In the Tenderloin, officers received information from an informant and were able to seized firearm. On July 23rd there was a suspect charged with homicide. On the 27th another individual was booked for a homicide. On July 29th, another suspect was booked for the homicide of Mr. Kimble. This case was solved due to DNA evidence. On July 31st, officers responded and recovered a Mack 10 weapon. Today there was suspicious property. Upon search there was a loaded handgun and another semi automatic weapon was seized. The Internet Crimes Unit arrested a man who came from San Mateo for attempted kidnaping on a minor under 14 years of age. The Department is doing as much as possible to reduce the crimes.

Commissioner Sparks asked about a possible hate crime committed on a political campaign. Chief Fong stated that Richmond Station responded, took photographs of the evidence, and the case have been assigned to the Hate Crimes Unit.

Commissioner Veronese thanked the Chief for a great presentation.

Commissioner Veronese asked if SFPD is still sharing explosive sites with San Mateo and FBI. Chief Fong stated that the Department is no longer sharing that site and explosives that have been stolen have been recovered in the East Bay. Commissioner Veronese asked about homicide witnesses. Chief Fong stated that there have been cooperation from the community, there is still reluctance but that is understandable. There is a confidential tip line where the public can call. The tip line is 575-4444.

Commissioner Keane thanked Chief Fong for her report. He wanted to asked about Sgt. Vicki Stansberry. What he was disturbed by was Sgt. Stansberry having made allegations that she has been harassed because of a memo that she wrote that is seen as not popular and he found it very disturbing particularly her allegations against her supervisors. Chief Fong stated that she cannot say very much about that because that matter is under investigation.

PUBLIC COMMENT

None

**OCC DIRECTOR'S REPORT**

Director Allen reported regarding policy recommendations sent to the Commission. He stated that he will be meeting with the Chief and her staff to discuss policy recommendations.

Commissioner Sparks asked regarding policy recommendations that have been implemented. Director Allen stated that he has to discuss with the department to see where each of the policy recommendations are. Director Allen stated that 1998-1999 there are seven, in 2001 no policy person in the office, in 2000 there was one, and 13 last year and four of the 13 have already been implemented. The OCC is trying to get a policy person to come in. Commissioner Sparks asked if not having a policy person impact charter on implementing new policy. Director Allen stated yes, it does.

Commissioner Veronese asked if the OCC have a mechanism for public input on policies other than complaints. Director Allen stated that the OCC does meet with community leaders for input on policy recommendations.

Commissioner Renne asked of the OCC policy recommendations some have been adopted by the department are incorporated in various rules and some have not. Commissioner Renne asked Director Allen to report back to the Commission on or about August 18th as to those policies that have not been implemented by the department.

Commissioner Sparks asked about policy recommendation regarding officer-involved shootings and asked Director Allen if he can give a time frame? Director Allen stated that it will be sometime in September. He believes there are three or four department orders that will be affected by that one policy.

Commissioner Veronese asked about cases with writ attachments. Ms. Morley stated there are only two writs pending against the city and those are the two described by Director Allen and she is not aware of any pending motions regarding 3304 grounds and they are multiple officer cases.

Director Allen presented the OCC's Quarterly Report. It will be posted on the website along with the first quarter report.

Commissioner Sparks asked about a case from 1998 and 1999 and why is it taking six years. Director Allen stated that there are court issues dealing with that. The older cases have some kind of exceptions attached to them.

PUBLIC COMMENT

Andrea Shorter stated that she is here regarding the Celis matter and wanted to make sure that the Commission is aware of correspondence regarding Officer Michael Celis.

Mark Schlosberg, ACLU, discussed concerns regarding OCC report. He talked about policy recommendations regarding OIS incidents and that it is good that it is moving forward and with regards to the policy recommendations, copies should be available to the public.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 7.02 "PSYCHOLOGICAL EVALUATION OF JUVENILES"**

Officer Mike Cowig presented revised General Order 7.02 and stated that this order explains what is available to juveniles.

PUBLIC COMMENT

None

Motion by Commissioner Keane, Second by Commissioner Marshall. Approved 6-0.

**RESOLUTION NO. 68-04**

**APPROVAL OF REVISED GENERAL ORDER 7.02, "PSYCHOLOGICAL EVALUATION OF JUVENILES"**

RESOLVED, that the Police Commission hereby adopts revised General Order 7.02, "Psychological Evaluation of Juveniles."

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE COPS IN SCHOOL PROGRAM**

Lieutenant Fatooh, SRO Program, described the grant and stated that the Department currently have an SRO program which is currently funded by the Cops In School Program.

Commissioner Veronese asked about the city matching the grant. The city will pay for additional two years and federal will pay for the first two years. Sgt. Dave Collins described that these funds are budgeted in the city's budget.

PUBLIC COMMENT

None

Motion by Commissioner Keane, Second by Commissioner Sparks. Approved 6-0.

**RESOLUTION NO. 69-04**

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE "COPS-IN-SCHOOLS PROGRAM"

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to apply for, accept, and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the "Cops-In-Schools Program," including any augmentations, extensions, and modifications.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

WITHDRAWAL OF THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER JEFFREY ALOISE FOR FURTHER PROCEEDING BEFORE THE CHIEF OF POLICE

Captain O'Leary stated that the officer's attorney asked to withdraw the appeal.

Motion by Commissioner Marshall, second by Commissioner Keane. Approved 6-0

RESOLUTION NO. 70-04

NOTICE OF WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION FILED BY OFFICER JEFFREY ALOISE (FILE NO. M-DRA D03-338)

WHEREAS, a letter was received from Mr. James Collins, Attorney at Law, representing Officer Jeffrey Aloise, withdrawing his appeal of the Chief's suspension for further proceeding before the Chief of Police; therefore be it

RESOLVED, the request for withdrawal of appeal of the Chief's suspension filed by Officer Jeffrey Aloise for further proceeding before the Chief of Police is hereby approved.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

DISCUSSION AND POSSIBLE ACTION TO INSTRUCT THE CHIEF OF POLICE TO WORK WITH THE CITY'S PURCHASER TO TERMINATE THE KROSS CONTRACT

Commissioner Renne stated that this is put on the calendar in light of the OCC's actions and that there are questions of whether or not to keep the contract going.

Captain O'Leary stated that this contract came into light in the form of a Commission resolution regarding an incident that occurred in November 2002. That happened earlier this year and Kroll began working on the contract which included reading case files and grand jury testimony on this case. They hired subject matter experts and a commander from So. California who have been working in this matter. Chief Fong wants this matter to remain enforced. The reason is that there was a lot of skepticism on the Department regarding this case. Captain O'Leary stated that he has not read the sustained case and the Department welcomes a fresh pair of eyes and asked that Kroll continue its work in this matter because the department would like to know if there is

policy failure that can be changed and to ensure it does not happen again.

Commissioner Keane stated that he is dismayed regarding a letter sent by Kroll and that he finds it unprofessional and it raises questions about the organization themselves.

Commissioner Sparks suggests that it continues but she did find the letter disturbing and that they are consultants but she asked to go ahead with the contract.

Commissioner Renne expressed concerns regarding the letter from Kroll and that she is not sure that that is part of the original charge. She is troubled by the letter and would like to know what was the charge given to Kroll for the contract amount.

Captain O'Leary defered to Ms. Morley. Ms. Morley read the way that agenda is written and what is in the Kroll Contract. Ms. Morley read excerpts from the contract and explained it.

Commissioner Renne asked if Kroll will provide a report to the Chief or to the Commission. Ms. Morley stated that they are to provide a report to the Chief.

Commissioner Marshall asked Director Allen on how he feels about this. Director Allen stated that when this was discussed at the time, it did not sit well with the OCC and stated that it is up to the Department and the Commission if they feel that they need fresh eyes. Director Allen stated that the OCC has finished its investigation.

Commissioner Veronese stated that a couple of things have changed since Kroll and since Prop H has passed OCC can file their own charges. He recommends that the Commission does not see the Kroll investigation.

Commissioner Keane stated that he agrees with Commissioner Veronese. In light of the fact that Kroll is not taking a neutral stance towards the OCC and would move to terminate the contract.

Commissioner Sparks stated that it is a new day under Prop H and would like to see the report coming to the Commission rather than the Chief. She states that more information is better and it gives the Commission more information to work with and would prefer that this contract be maintained and that information be presented to the Commission instead of the Chief.

Director Allen wanted to explained that sustained reports are not turned over to the Commission. It is turned over to the Chief.

Commissioner Chan asked what is the terminations obligations in the contract. Ms. Morley stated that Section 21 of the contract has the option to terminate the agreement and the city is required to give notice of that and that there are certain obligations and rights of the parties primarily on how costs owing to the contractors are determined. Commissioner Chan asked if it is the position of the command staff that Kroll will still be useful. Captain O'Leary stated yes.

Representative from Kroll stated that it is close to the half way mark. She stated that the SF office is not involved in this project and it is the New York office that is involved.

Commissioner Marshall asked about comments regarding the letter. She stated that Kroll did not want to seem condescending or presumptuous in any way.

Commissioner Keane stated that what was puzzling is that a neutral agency felt it necessary, at interim stage, to come out with the kind of criticism, particularly to the OCC, this would not seem to be the way to go about it. This case is sensitive and it ripped a department apart, a city apart. She explained that her firm have been maintained because of its independence and professionalism and would think that the same has been applied here. She stated that the author of the letter should address the Commission.

Commissioner Renne asked if it is possible that Kroll can do the report after the Commission's disciplinary hearing because the Commission wants all information they can get but there is limits to evidence the Commission can hear. She stated that Kroll will get back to the Commission.

PUBLIC COMMENT

Sgt. Mike Serujo, LPOA, discussed the Kroll contract. He stated that he has been listening to the arguments and comments brought by the Commission. He stated that he agrees with Commissioner Sparks to have more information and asked why not see how mistakes can be corrected.

Commissioner Renne asked if there was a report and this Commission were to read, is it possible that the Commission could be subject to a claim of bias because it is something outside the evidentiary hearings that the Commission will be considering. Ms. Morley stated that it is possible and that it will be good to have a written opinion.

Commissioner Keane withdraws motion for purpose to continuing it.

Commissioner Chan thinks that there should be guidance from the city attorney regarding the report and would like to continue the matter for at least a week or two.

Motion by Commissioner Chan to continue. Second by Commissioner Veronese. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Sergeant Jeffrey A. Barry (File No. C04-062 JWA).**
b. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA).**
c. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Inspector Paul Falconer (File No. C04-199 JWF).**
d. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Edmund J. Cota (File No. C04-120 JWF).**
e. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Sergeant John Syme (File No. C04-121 JWF).**
f. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer Daniel Miller (File No. C04-122 JWF).**
g. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Captain Gregory Corrales (File No. C04-123 JWF).**
h. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Lieutenant Henry J. Parra, Jr. (File No. C04-124 JWF).**
i. **Notice of assignment and setting of date for hearing on disciplinary charges filed against Officer Gene P Cornyn (File No. C04-125 JWF).**

**j. Scheduling of items identified for consideration at future Commission meetings**

Commissioner Renne asked that cases be heard en banc.

Commissioner Keane asked that before the Commission takes action, he stated that he may have to recused himself in regards to this case because he was requested by then Chief Sanders to be his defense attorney and had some privileged conversation with Chief Sanders and because of that, he had asked the city attorney to give him an opinion as to whether or not he should recuse himself and Commissioner Kean stated that, until the city attorney comes back with the opinion, he will temporarily recused himself.

Motion by commissioner Chan, second by Commissioner Veronese to recused Commissioner Keane temporarily. Approved 6-0.

PUBLIC COMMENT

None

**RESOLUTION NO. 71-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT JEFFREY A. BARRY (FILE NO. C04-062 JWA**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant Jeffrey A. Barry, Star No. 2093, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Peter Keane is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Jeffrey A. Barry; therefore be it

RESOLVED, that Commissioner Peter Keane is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Jeffrey A. Barry, and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

**RESOLUTION NO. 72-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD, (FILE NO. C04-126 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Lieutenant Jerry Lankford, Star No. 1707, Administrations, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Lieutenant Jerry Lankford, and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

RESOLUTION NO. 73-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR PAUL FALCONER (FILE NO. C04-199 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Inspector Paul Falconer, Star No. 2000, Night Investigation, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Inspector Paul Falconer; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Inspector Paul Falconer, and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

RESOLUTION NO. 74-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT EDMUND J. COTA (FILE NO. C04-120 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Lieutenant Edmund J. Cota, Star No. 357, Tenderloin, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Lieutenant Edmund J. Cota; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Lieutenant Edmund J. Cota, and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

RESOLUTION NO. 75-04

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT JOHN SYME (FILE NO. C04-121 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant John Syme, Star No. 2098, Tactical, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant John Syme; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary

charges filed against Sergeant John Syme, and is to be set at a later date.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**RESOLUTION NO. 76-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER DANIEL MILLER (FILE NO. C04-122 JWF)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Daniel Miller, Star No. 1008, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Officer Daniel Miller; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Officer Daniel Miller, and is to be set at a later date.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**RESOLUTION NO. 77-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES (FILE NO. C04-123 JWF)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Captain Gregory Corrales, Star No. 1207, Mission, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Captain Gregory Corrales; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Captain Gregory Corrales, and is to be set at a later date.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**RESOLUTION NO. 78-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT HENRY J. PARRA, JR. (FILE NO. C04-124 JWF)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Lieutenant Henry J. Parra, Jr., Star No. 1207, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct

taking of evidence before the full Commission in the disciplinary charges filed against Lieutenant Henry J. Parra, Jr.; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Lieutenant Henry J. Parra, Jr., and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

**RESOLUTION NO. 79-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER GENE P. CORNYN (FILE NO. C04-125 JWF)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Gene P. Cornyn, Star No. 1714, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Officer Gene P. Cornyn; therefore be it

RESOLVED, that Commissioner Lousie Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Officer Gene P. Cornyn, and is to be set at a later date.

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| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

Commissioner Sparks asked that the September district meeting be held in the Mission Station. Second by Commissioner Veronese. Approved 6-0.

Commissioner Keane asked that the Richmond district be considered.

Commissioner Chan asked that translation be provided.

**PUBLIC COMMENT**

Meesha Irizarry, Idriss Stelley Foundation, asked that the Commission exercise extreme caution upon meeting in the Mission and discussed concerns about meeting in non exclusive community to be able to express their feelings as well.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, would like to recommend that the Commission have a meeting in the Western Edition. She asked for a status report as to what is being done to bring justice to her son. She stated that she has not had an incident report and would like to know when it will be done. She asked the Commission to bring efforts on the part of the community that they make efforts to determine whether the officer should be prosecuted for shooting her son.

Malaika Parker, Bay Area Police Watch, talked about an article in the Bay Area Guardian regarding OIS incidents that are pending and the need for an independent investigation and stated that there needs to be an independent investigation on how this department can improve.

Alan White regarding an article in the paper and stated that there are certain areas of fairness and discussed concerns about the OCC and hopes that the Commission would ask the OCC if they have procedures in place and stated that the cops deserved a better break than this.

Unidentified, discussed concerns regarding permits and limousines and asked that police officers help in dealing with limousines.

Ernestine Weiss discussed concerns regarding customer service. She asked for better management at Central Station. She stated that she does not want excuses, she wants action.

Sgt. Michael Serujo, LPOA, discussed cases assigned earlier to the Commission and stated there has been several investigations and numerous interviews and depositions. He asked the Commission that these cases be decided as quickly as possible and, for the sake of the officers and their families, please complete these cases as quickly as possible.

Thereafter, the meeting was adjourned at 8:30 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

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# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, AUGUST 11, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

SF
P45
#1
8/11/04
c.2

Pledge of Allegiance; Roll Call

1. Discussion and possible action to approve the Memorandum of Understanding between the San Francisco Housing Authority and the San Francisco Police Department. (ACTION ITEM)

2. Chief's Report (DISCUSSION ONLY)
   a. Report on the number of officer-involved shooting cases being investigated and the status of the investigations.
   b. Review of Recent Activities

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. OCC Policy Recommendation on Officer-involved Shootings and In-custody Deaths.
   a. Discussion of Department's recommended changes to the OCC policy recommendation. (DISCUSSION ONLY)
   b. Discussion and possible action to: 1) conditionally adopt the OCC policy recommendation subject to any future amendments as recommended by the Chief of Police after the Department and the POA meet to discuss the impact of the OCC policy recommendation on the terms and conditions of employment; and 2) direct the Chief to prepare changes to the Department's General Orders for Commission approval as necessary to implement the OCC's policy recommendation. (ACTION ITEM)

5. Discussion and possible action to set the location(s) of one or more of the monthly "district" Commission meetings, which are held in a neighborhood location to discuss issues arising in the particular police district. (ACTION ITEM)

6. Commission Announcements - Setting of Hearing Dates (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer Lionel N. Sevilla (File No. C04-137 JWA) to an individual Commissioner for the taking of evidence.

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, AUGUST 11, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Approval of the minutes of the Police Commission Meeting of July 7, 2004 (ACTION ITEM)

8. Public Comment
***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: *The Police Commission will be holding a public, Special Meeting this month at a location other than City Hall.*

1. *The Commission will hold its Community Meeting at the Park District, San Francisco Public Library, 1833 Page Street, San Francisco, at 6:00 p.m., on Wednesday, August 25, 2004, to hear comments from the public and Park Captain John Ehrlich concerning public protections issues in the Park District.*

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

# SAN FRANCISCO POLICE
# PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

**Communication accessibility services; including sign language Interpreters or computer aided real time captioning** will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

**Individuals with severe allergies, environmental illness, multiple chemical sensitivity** or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400 _21 Dr Carlton B. Goodlett Place, San Francisco_

Accessible MUNI lines serving this location is: 49 Van Ness;Mission _47 Van Ness, 5 Fulton, 31 Balboa_
For information about MUNI service call 923 6142

The closest BART Station is: _Civic Center_

Accessible parking _____

**For information about the meeting call** _553-1667_ (v) or _553-9194_ (tty)

The Police Commission of the City and County of San Francisco met in the Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO HOUSING AUTHORITY AND THE SAN FRANCISCO POLICE DEPARTMENT**

Deputy Chief Suhr explained how this MOU came about. The Department met with local and federal agencies to develop strategies in an effort to stem the violence. Officers were placed in public housings as residential foot beats. The officers are to conduct community outreach and take appropriate action and take any other action to address the needs of the community and to be part of that community that they are working in. The concept was modeled from LA Sheriffs Department. The Housing Authority agreed to provide funds for the project if successful and it has been.

Commissioner Chan asked if there will be a way to develop statistics to catalog series of non traditional contacts, non aggressive interactions with the community just so the Commission would have some idea of the nature of the interactions that the members will have with residence. Chief Suhr stated that if the community at large is not in disrepair and the officers are employing calls for service with DPW, Department of Electricity, other public agencies that contribute assistance, the Department is working with the City Attorney's office, the Housing Authority is required to keep records as to the additional service that they are going to be provided in order to justify the expenditure of funds and Department agreed to compile those statistics. Commissioner Chan asked how many officers will be involved when implemented. Chief Suhr stated 16 members are part of the MOU and another four that are assigned to the Buchanan Mall that are outside of this MOU and the officers will act as community resource to cut through the bureaucracy of government in an officer capacity and yet be somebody that hopefully would be on a first name basis with everybody in the community.

Commissioner Sparks is unclear as far as to what the Department is asking the Commission. Deputy Chief Suhr would like the support of the Commission and to approve the concept.

Commissioner Orr-Smith asked if there is a time line as far as when the final MOU will be submitted. Ms. Morley stated that negotiations should be completed by Friday and will be on the calendar for the 18th.

Commissioner Veronese asked if the officers are same officers assigned to the stations. Deputy Chief Suhr stated that additional personnel were added to Bayview and Ingleside stations so that there would be no drop in regular service; 12 additional added to Bayview and 4 to Ingleside. Commissioner Veronese asked about substations. Chief Suhr stated that these officers will be working out of the substations but the substations are not staffed and they are trying to find venues for officers to work out of so that they don't have to leave their assigned complex.

Commissioner Marshall stated that he thinks it's a great idea and asked if the officers have a list of community agencies to refer young people to. Chief Suhr stated that he welcomes anything that can be given to the officers.

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Commissioner Orr-Smith asked about housing authority security are they still enforced? Chief Suhr stated that Director Fortner might be able to answer the question.

Mr. Greg Fortner, Executive Director of Housing Authority, stated that because they are dealing with Federal funds, the service from SFPD is supplemental above and beyond baseline service that's already mandated for the area. He also explained that the substation is a public housing unit that's been converted for office use for officers that are on site so it is not conducive to a full service substation.

Commissioner Keane would like to talk to the Chief regarding relationship with the District Attorney's office. He stated that during the last District Attorney's administration there was an adversarial relationship. He stated that the community would like a smooth relationship with the police and the District Attorney's office. Chief Fong stated that she and the District Attorney work well together and both are committed to prosecuting cases and she stated that the Command Staff, the staff of district stations all work with the District Attorney's office. Commissioner Keane talked about the Ramey Warrant article and stated that there's a discussion between the Department and the District Attorney's office over the use of Ramey Warrants. Commissioner Keane stated that he sees that as a healthy discussion to have and not an adversarial discussion. It is good to see the two competing sets of needs and the use of Ramey Warrants and the use of probable cause for arrest by the Police Department.

PUBLIC COMMENT

None

Commissioner Chan asked if action is needed on this item. Ms. Morley stated negotiations are under way and in addition a resolution by the Commission instructing or authorizing the completion of those negotiations and entering into a contract subject to your approval is in order..

Motion by Commissioner Chan. Second by Commissioner Marshall. Approved 6-0.

**CHIEF'S REPORT**

**a. Report on the number of officer-involved shooting cases being investigated and the status of the investigations.**

**b. Review of Recent Activities**

Captain O'Leary, Risk Management, stated there is 26 open OIS cases in MCD. Eight of those 26 are waiting charging decision with DA's office. Four of those 26 have been closed by MCD and are currently being evaluated by Lieutenant in charge of MCD and himself. Of the remaining cases, 10 have estimated dates of completion ranging from August 15th to June of next year. He stated that the amount of time from date of occurrence to the DA's charging decision has varied in these 26 cases. Captain O'Leary explained process and steps taken by MCD to investigate these cases. He further explained the process of giving a summary to the Commission. The summary and the OCC Director's recommendations are presented to the Commission but there is a long gap between the occurrence and the charging decision by the DA. The eight cases that are awaiting charging decisions, there is no way to find out when the DA will make that decision.

Commissioner Keane thanked Captain O'Leary for the report.

Commissioner Sparks asked about the 26 cases pending and how many do not involved the OCC? Captain O'Leary stated that he has to go back to the

data to get the information for the Commission. Captain O'Leary stated that cases that can be closed as soon as possible will get a higher priority.

Commissioner Veronese would like to speak about inherent claims regarding the department and the DA's office and stated that the DA should be given all the time needed for their investigation.

Commissioner Orr-Smith stated that once memo from Captain O'Leary is received, a letter should be written to the DA to provide answers to the public.

Commissioner Chan asked are there any category of cases that will take priority over OIS cases? Capt O'Leary stated cases that are close to the end of the statute of limitations takes higher priority and it competes with investigator's attention with the OIS.

Deputy Chief Tabak explained the process of Ramey warrants. Chief Tabak felt that it was important to address this issue due to an article by the Examiner. Chief Tabak stated that the SFPD and DA have a professional relationship with each other to accomplish their missions. The goal is to improve the process and make it more efficient and how to bring back the community support in light of articles that the department is not doing its job.

Chief Tabak explained Ramey warrant primarily dealing with homicides. Chief Tabak explained that it's a court decision based on a 1976 case involving a burglary in Sacramento. This decision established the need for probable cause, warrants, in order for the police to make arrests within certain types of structures primarily that had an expectation of privacy mainly residences, hotels, condominiums et cetera.

A Ramey warrant is a pre-charging arrest warrant and that means a warrant prior to the prosecutor formally charging a case for a particular crime. The police do not have to submit the case to a prosecutor prior to requesting a Ramey warrant to be issued by a magistrate.

The process is simple. The police assert their probable cause in an affidavit along with an application on a Ramey warrant and they submit this information to a magistrate. The magistrate reviews this information, and if the magistrate agrees that probable cause exists in this particular case that tends to show that the suspect committed this crime, then the magistrate will sign the Ramey warrant. And then, only then, it is issued. All Ramey warrants essentially receive judicial review prior to its issuance.

The Ramey warrant has several values. In order to develop additional information in a case that has reached such a point where the department don't have the added information to charge the case or to ask the prosecutor to charge the case. When a suspect is arrested on a Ramey warrant, the Department tends to get more cooperation from that suspect, tends to get more confessions, tends to get more statements from that suspect. It also allows the Department to set up for future search warrants, future arrest warrants and it furthers the investigation. It serves the investigation very well when no other tactics or means are available to the department.

The use of Ramey warrants are on a case by case basis. Chief Tabak stated that he has not instituted a blank policy by which every single case will go to Ramey.

Ramey is an effective, efficient tool to get suspects off the streets in a quick manner. The other impact is it sends a strong message to the community. It has encouraged witnesses from the community to come forward.

Chief Tabak explained, that in homicide cases, the charging standard of other DA's typically is a probable cause standard at the time of charging, with the understanding that that case will not be submitted to trial in that condition and it will be continuously worked on with additional information until it is trial ready and it can be proved beyond a reasonable doubt.

Chief Tabak stated that year- to-date, San Francisco has experienced 60 homicides: June, 13, July, 7, and August, none. Current year clearance rate are 43 percent with homicide. Last year, for the entire year, the Department was at 28 percent.

Chief Tabak also looked at other jurisdictions that use Ramey Warrants. He stated that Oakland PD uses them all the time. San Jose also uses them and they feel that it is extremely effective. LAPD uses it 30 percent of their homicide. Contra Costa County uses Ramey warrants exclusively on all homicides, no exceptions. Alameda County uses it so often that they have a form online.

Commissioner Keane thanked Chief Tabak. He stated that this is something that should not be framed as the DA doesn't like Ramey warrants, and the SFPD likes Ramey warrants. He stated that in the report and in the letter from Ms. Harris there is an unnecessary defensiveness on the part of both the DA and the Department, and he thinks that it is unnecessary. Commissioner Keane stated that Ramey warrants are tools and are used in a case-by-case situation.

Commissioner Veronese asked if there is anything that can be done to bridge the gap between the differences in opinion on these cases between the SFPD and the DA's office. Chief Tabak stated that that was discussed and the Department would like the charging standards to be reflective of like counties in California and would like a more timely response to a request or submission of a DA warrant by the Department. Chief Tabak stated there should be a legal understanding with what their responsibilities are and what the Department's responsibilities are and that hopefully both parties can meet somewhere in the middle. He also stated that only six Rameys were issued this year.

Commissioner Chan asked based on survey of practices by different jurisdictions, are current state of practice within the SFPD comforts with the practices engaged by other jurisdictions with respect to charging standards with respect to Ramey warrants? Chief Tabak stated that with use of Ramey warrants brings the department up to the best practice standard. He stated that the investigative standard of the Department, those are equal to, if not exceeding, like agencies in California.

Commissioner Marshall is hoping that the two entities can work things out and that he is very happy with numbers stated and he hopes that this can be dealt with to keep numbers the way they are.

Commissioner Orr-Smith thanked Chief Tabak for his report.

Chief Fong reported on activities within the Department. In the Southern district officers arrested a suspect for a stolen vehicle. In the Bayview there was a shooting suspect wanted for homicide, officers found the suspect and were able to stop the vehicle to make the arrest. There was also a robbery call. Officers were able to arrest five suspects. In the Northern the officers were able to identify a suspect wanted for probation violations. They were able to arrest the suspect and recovered a handgun during the arrest. In the Ingleside, there was a citizen who had knowledge about an assault rifle, that firearm was taken into custody and tested for fingerprints. In the Tenderloin there were two suspects that car jacked a vehicle. The officers were able to identify a suspect, make a stop, and take the suspect into custody.

Chief Fong reported about an incident regarding threats made by an individual. The individual was identified and a wanted bulletin was issued.

Commissioner Chan asked about follow-up lab work and is the department sufficiently staffed? Chief Fong stated that there is only one firearm analyst. There is a second person who applied for the position and ultimately that individual hopefully will be hired. Chief Fong also stated that in the 2004-2005 budget, the Department was able to obtain funding for four additional criminalists, two of which will be firearm analysts.

Commissioner Sparks asked about the bicycle race coming back to San Francisco. She asked if this should be discussed with the Mayor's office in light of budget issues that the Department have. Chief Fong stated that the department will provide adequate resources to ensure that an event is safe. The Department does bill and those bills go to the Treasurer's Office to the Collections Department but ultimately, if money is recovered, it does not come back to the department. Chief Fong stated that the Department will never not staff an event because of funding issues.

Commissioner Veronese asked about the retirement of Lt. Geeter and what is being done about the task of getting a replacement. Commissioner Veronese stated that he personally thinks that it be a peace officer. Chief Fong stated that the Department is sad that Lt. Geeter is leaving. Chief Fong stated that Commissioner Renne had asked her to prepare a job description that can accommodate either a sworn or non sworn classification.

Commissioner Keane stated that Lt. Geeter is very valuable and would like to discuss as to having the position civilianized. He stated that there is a lot that the Commission has done in terms of showing that the Commission is an independent entity, and that they are civilians and that they take their role of civilian oversight very seriously and that it's quite possible of having a civilian secretary.

Commissioner Sparks stated that as Commissioner Keane stated there is positive elements to having a civilian secretary and also a sworn member in the office. She stated maybe looking at a blended staffing and a larger staff rather than just one.

PUBLIC COMMENT:

Katherine Tyson stated that department has done an excellent job and stated that her son was murdered and stated that if warrants were issued earlier, her son would have been alive. As far as forensics, the guns were located that murdered her son.

Marylon Boyd, Campaign for Cammerin Boyd, stated that the DA has stated that information is not yet to be release about her son's case. She asked that the status of investigation into her son's death is insufficient.

Dennis Cunningham stated that he was curious as to the district attorney can hold back information regarding the Boyd matter. He stated that he doesn't feel assured that the Commission is on top of what is happening to investigation.

Vannessa Moses, Bay Area Police Watch, discussed concerns regarding drawn out investigations.

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen discussed the OCC's function in OIS cases and explained that their function in OIS cases, if there is no complaint, is a review process after MCD has completed its investigation. He stated that the OCC has been working with the Chief, and trying to incorporate the District Attorney

also, regarding an OIS policy in an event where there are multiple investigations going on to have the District Attorney meet with the Department, MCD, and OCC so that everyone will know what people are doing and that everyone will be aware of the fact that the OCC has a one-year statute and that they would like to know when a case is able to proceed forward if there is a criminal investigation.

Director Allen also discussed OIS cases and stated he met with Captain O'Leary regarding the cases. He also met with the Chief regarding having a master calendaring system that to make sure cases move forward.

Commissioner Keane made a motion to conditionally adopt the OCC policy recommendation subject any future amendments as recommended by the Chief after the Department and the POA meet to discuss the impact of the OCC policy recommendations on the terms and conditions of employment, and also, direct the Chief to prepare changes to the Department's General Orders for Commission approval, as necessary, to implement the OCC's policy recommendation.

Commissioner Chan stated, as point of order, should the item be called first. Mariam Morley, Deputy Chief Attorney, stated that public comment should be asked for Item 3 before moving on to Item 4 unless it is decided that Items 3 and 4 be discussed together and if that is so, that should be made clear on the record.

PUBLIC COMMENT

Mark Schlosberg, ACLU, stated that he supports the OCC policy recommendation and also offered amendments in regard to release of information basically encouraging public disclosure of information, however, allowing the department to withhold information under narrow circumstances as stated in his recommendations. He went on to explain the ACLU's proposed amendments.

Commissioner Orr-Smith asked that the record be amended to include Mr. Schlosberg's comments under Item 4.

**OCC POLICY RECOMMENDATION ON OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS**

a. **Discussion of Department's recommended changes to the OCC policy recommendation.**

b. **Discussion and possible action to: 1) conditionally adopt the OCC policy recommendation subject to any future amendments as recommended by the Chief of Police after the Department and the POA meet to discuss the impact of the OCC policy recommendation on the terms and conditions of employment; and 2) direct the Chief to prepare changes to the Department's General Orders for Commission approval as necessary to implement the OCC's policy recommendation.**

Captain O'Leary, Risk Management, stated that he sat down with Director Allen to discuss this policy recommendation. He explained the Department's response to the OCC policy recommendations.

Commissioner Sparks asked about the Public Records Act and other laws that are called out in this policy statement, then the Department will not have a problem with adding presumption in favor of disclosure as long as factual data as contained in the Public Records Act and the Sunshine Ordinance are in fact followed. Captain O'Leary stated that the department is in favor of keeping the law in the policy. He asked that ACLU's recommendation be stricken and that we just stick with the language of the law which is a factual basis for releasing or not releasing information.

Commissioner Chan asked the City Attorney if there is a presumption in favor of disclosure. He stated that his concern with the language proposed by the ACLU is that we incorporate a presumption that may be contrary to the statutes as well as any relevant case law or the body of law pertaining to privacy standards. Ms. Morley stated that the Brown Act and the Sunshine Act do favor disclosure and that is their general intent. Ms. Morley explained the public records act. She explained records that are not public e.g. CLETS records, medical records. Then she explained exceptions to the public records act which are discretionary where the public entity is given the discretion to decide whether or not to turn over documents and she stated that one of those is one of the records being looked at now. About who makes decisions in the City about what documents are turned over? In general, the Department that gets the request would make the decision as to what they are going to turn over. The Commission can advise the department to turn over that document if it is discretionary.

Commissioner Marshall commended Captain O'Leary and Director Allen on efforts made regarding the recommendations.

Commissioner Veronese asked about the clause "to the extent no portion of the report shall be redacted to the extent that that conflicts with laws," should there be a provision that doesn't invalidate the entire clause? Mariam Morley, Deputy City Attorney, stated that the Commission might either add language to this or read it to mean that the Department and the City are not going to violate the law by turning over information and it's all subject to the caveat that is consistent with prevailing law.

Commissioner Chan commented on the amendments and the Department's response regarding policy recommendations. Commissioner Chan stated with respect to OCC recommendation #1 that he is concerned with the Department's response to recommendation #1 and that he views it to be more restrictive than what should otherwise be the standard. He stated that from what the City Attorney has said, there is a body of law outside of the two statutes that have been specifically cited that may trump the presumption in favor of disclosure. In the interest of precision, he stated that he would favor an amendment that would state the policy of the Department to provide as much information as possible consistent with applicable law, including, without limitation, thereto to the relevant provisions of the Sunshine Ordinance and the California Public Records Act. Commissioner Chan also commented to the proposed amendment to the section by the ACLU regarding the matter of the construction of the standards sent forth in the paragraph as to who would make the determination that a particular exception may or may not apply in a specific case and if the Commission is to adopt the language proposed by the ACLU, he suggests that after the word "construed" that the phrase "by the Commission" be inserted. Commissioner Chan further commented on recommendation #3 in the Department's response. He stated that if the Commission is to adopt the revisions suggested by the ACLU, specifically on line 3, he believes that the listing of the grounds that the Chief would assert as an objection to providing the report is a bit too restrictive and that he suggests that it be revised to read to the effect "that unless the Chief of Police asserts that providing the report would endanger the successful completion of the investigation or a related investigation, or endanger the safety of the officers or other persons involved in the investigation," Commissioner Chan requested that the word "or" which appears before the word endanger be stricken and insert a phrase after the word investigation words to the effect "or contrary to law."

Commissioner Keane seconded suggestions by Commissioner Chan.

Captain O'Leary thanked Commissioner Chan for his input. The policy

change regarding #3 is acceptable to the department and the department is in agreement with the Commissioner Chan's suggestions.

PUBLIC COMMENT:

Mark Schlosberg, ACLU, spoke in support of the OCC policy recommendations and also to offer amendments.

Dennis Cunningham discussed concerns regarding policy recommendations and the release of OIS information. He urged that the Commission should be on top of the investigation and fully informed on what has been learned by the investigators.

Marylon Boyd thanked the OCC for recommendations brought before the Commission. She also thanked the ACLU for their input. She discussed concerns that there are no indications as far as time lines. She stated that there is nothing about allowing the family to gather evidence when there is an officer-involved shooting. There is also no indication that OCC be called to the scene of an OIS incident. There is also no indication as to how family members will be notified. She would like to see details and definitions in the policy. She commented on recommendation number 1.

Motion to approved policy recommendations by the OCC to conditionally adopt the OCC's policy recommendation by Commissioner Keane and, in addition to that, to incorporate the drafting of Commissioner Chan and the clarity that he brought and any proposed motions to that regard. Second by Commissioner Sparks.

Ms. Morley stated that if an OIS occur before the adoption of the general order, the Commission can direct a liaison to work with and to contact the victim's family. Ms. Morley stated that the General Orders are the Commission's rules.

Commissioner Sparks asked if the ACLU's recommendations are included in the motion. Commissioner Keane stated that yes, it is included in the motion.

Commissioner Veronese asked if this is approved as a DGO. Ms. Morley stated that no, the Commission is instructing the Chief to put this in DGO form.

Commissioner Keane stated that in the motion itself, they are conditionally adopting the recommendations including the ACLU's proposals as clarified in the language of Commissioner Chan subject to any future amendment as recommended by the Chief after the Department and the POA meet to discuss it. The Commission have put forth a conditional approval of something that has some further processes to it and those further processes will have the input of the Department and the POA and come back to the Commission with proposed amendments.

Motion by Commissioner Keane to conditionally adopt the OCC's policy recommendations subject to future amendments, including Commissioner Chan's clarification, which includes the ACLU's recommendation. Also, to direct the Chief to prepare the changes to the Department's General Orders for the Commission's approval. Approved 6-0.

Commissioner Marshall asked when would this item be revisited. Put on the agenda in three weeks, September 1st.

**DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT" COMMISSION MEETINGS, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT**

September 29th in the Mission. Lt. Geeter explained that November and December is very close to the holidays.

Commissioner Keane asked that the Richmond be added and suggested that this be done in community centers rather than police stations.

Commissioner Orr-Smith asked Commissioner Keane if he has any suggestions for the Richmond District. Commissioner Keane stated that Captain Tong might have some suggestions.

Lt. Geeter stated that August in the Park District, September in the Mission, and in October in the Richmond.

PUBLIC COMMENT

None

**RESOLUTION NO. 80-04**

**SETTING THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT"COMMISSION MEETINGS, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT**

RESOLVED, that the district meeting on September 29, 2004 will be in the Mission District. The district meeting on October 27, 2004 will be in Richmond District.

FURTHER RESOLVED, that, due to the holidays in November and December, there will be no district meetings for the months of November and December 2004.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**COMMISSION ANNOUNCEMENTS - SETTING OF HEARING DATES**

a. **Assignment of disciplinary charges filed against Officer Lionel N. Sevilla (File No. C040-137 JWA) to an individual Commissioner for the taking of evidence.**

Assigned to Commissioner Marshall.

PUBLIC COMMENT

None

**RESOLUTION NO. 81-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER LIONEL N. SEVILLA (FILE NO. C04-137 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Lionel N. Sevilla, Star No. 1725, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lionel N.

Sevilla; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lionel N. Sevilla, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**APPROVAL OF THE MINUTES OF THE POLICE COMMISSION MEETING OF JULY 7, 2004**

Motion by Commissioner Marshall. Second by Commissioner Keane. Approved 6-0.

PUBLIC COMMENT
None

**PUBLIC COMMENT**

Unidentified commended Lt. Geeter. He discussed concerns regarding vehicle codes and street closures. He also discussed an event tomorrow and that posting takes away cab stands so that cabs can pick up on this location.

Mark Schlosberg, ACLU, thanked the Commission for approval of OIS policy recommendations. He also urged the Commission to attend a civilian oversight conference. He also stated that he will be leaving his position in the ACLU for six months and John Crew will be replacing him at the time of his absence.

George Jones, 60-year resident of the city, discussed concerns regarding violence in the city.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Sparks asked that OIS shooting packet be put under Chief's Report for next week. Commissioner Sparks also asked that the department doesn't block all of cab stops by the Bank of America Building on California Street.

PUBLIC COMMENT
None

Thereafter, the meeting was adjourned at 8:50 p.m.

Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, AUGUST 18, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 400**
**#1 Dr. Carlton B. Goodlett Place**
**San Francisco, California**

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Pledge of Allegiance; Roll Call

1. Discussion and possible action to approve the Memorandum of Understanding between the San Francisco Housing Authority and the San Francisco Police Department.

2. Chief's Report (DISCUSSION ONLY)
   a. Report on the number of officer-involved shooting cases being investigated and the status of the investigations.
   b. Review of Recent Activities

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review regarding staffing, budget, and summary of recent events

4. Review of OCC Policy Recommendations presented to the Police Department from 1999 to present. (DISCUSSION ONLY)

5. Discussion and possible action to instruct the Chief of Police to work with the City's Purchaser to terminate the Kroll contract. (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Scheduling of items identified for consideration at future Commission meetings

7. Approval of the minutes of the Police Commission Meeting of July 14, 2004 (ACTION ITEM)

8. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

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Vice President

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Commissioner

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Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

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Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, AUGUST 18, 2004
### 5:30 p.m.

**CITY HALL, ROOM 400**
**#1 Dr. Carlton B. Goodlett Place**
**San Francisco, California**

*PLEASE NOTE: The Police Commission will be holding a public, Special Meeting this month at a location other than City Hall.*

1. *The Commission will hold its Community Meeting at the Park District, San Francisco Public Library, 1833 Page Street, San Francisco, at 6:00 p.m., on Wednesday, August 25, 2004, to hear comments from the public and Park Captain John Ehrlich concerning public protections issues in the Park District.*

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

***KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE***
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE
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The proceeding will be held at: City Hall, Room 400
21 Dr Carlton B. Goodlett Place, San Francisco

Accessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

**For information about the meeting call** 553-1667 (v) or 553-9194 (tty)

AUGUST 18, 2004 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO HOUSING AUTHORITY AND THE SAN FRANCISCO POLICE DEPARTMENT**

Commander Shinn, FOB, presented the MOU for supplemental law enforcement services between the SFPD and the San Francisco Housing Authority. Commander Shinn stated that this MOU has been reviewed and approved by the San Francisco Housing Commission on August 12th and it's been reviewed by the Department's City Attorney.

PUBLIC COMMENT
None

Motion by Commissioner Chan, second by Commissioner Orr-Smith. Approved 7-0.

**RESOLUTION NO. 83-04**

**APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO HOUSING AUTHORITY AND THE SAN FRANCISCO POLICE DEPARTMENT**

RESOLVED, that the Police Commission hereby approves the memorandum of understanding between the San Francisco Housing Authority and the San Francisco Police Department.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**CHIEF'S REPORT**

a. **Report on the number of officer-involved shooting cases being investigated and the status of the investigations.**
b. **Review of recent activities.**

Chief Fong stated that the first report will be a follow-up to the officer-involved shooting report that was presented last week by Captain O'Leary.

Captain O'Leary talked about a letter forwarded to the Commission where he described the process that the Department go through in investigating officer-involved shootings and with this letter, attached is a list of open OIS investigations.

Commissioner Sparks thanked Captain O'Leary for the list of OIS investigations. Commissioner Sparks asked how are cases prioritized and if the Captain is aware of any circumstances why some of the cases are still open with the district attorney. Captain O'Leary stated that four cases were assigned to the investigators that they were initially assigned to and they are being given due dates of 90 days and then every 60 days after that. As to Commissioner Sparks' second questions, Captain O'Leary stated that he cannot speak for the District Attorney. He stated that the case in 2003 was submitted to Mr. Hallinan's office and is one that Ms. Harris inherited.

Commissioner Veronese thanked Captain O'Leary for his letter and

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statistics. He asked Captain O'Leary if from the year 2000, has the District Attorney sustained any charges on any of these cases or have any of the OIS cases came in front of the Commission in the last four years. Captain O'Leary stated that he is not aware of the District Attorney's office filing any charges in any OIS cases since 2000. As far as cases going to the Commission, Captain O'Leary stated that there is currently an OIS case, the Detoy matter, and that case is still before the Commission. Captain O'Leary explained that every one of these cases is on its way to the Commission in the form of a summary as described in General Order 8.11.

Commissioner Sparks asked Captain O'Leary if this schedule can be met and are there sufficient resources to continue these investigations to meet this schedule. Captain O'Leary stated that no Captain is going to tell the Police Commission that they have enough help but to answer that question, there exists the process of finding the right candidate, training that candidate, and putting that person into the Management Control Division and bringing that person up to speed. Captain O'Leary stated that he inherited a backlog of cases at the time when he came into the office in May of 2003 and stated that he can stick with this schedule and is comfortable with these dates.

Lieutenant John Murphy, Gang Task Force, stated that due to the increase in the violence of Spanish gangs, the Department employed the same strategy done in Bayview Hunters Point, the Western Edition, and the Sunnydale areas. That strategy is to identify the most violent offenders and target them for prosecution. Lt. Murphy described what is being done by the Department in regards to gang violence.

Chief Fong updated the Commission and described activities in the department during the past week.

Commissioner Marshall asked about gangs in the Mission. Deputy Chief Tabak stated that Surenios and Nortenios and factions of those two are in the Mission.

Commissioner Veronese asked about terrorism, referring to a Department Crime Bulletin, and if the Department are putting out information to the public on a daily basis and is there a plan if terrorism does occur in the downtown area as to what people should do. Chief Fong stated that the Department is in contact with a number of the buildings that are in the financial district area, not just through the Police Department and the district stations but also through the organizations and other corporate security. This information is shared with them on a daily basis. In terms of the plan, Chief Fong stated that the Department knows that any type of incident will cause a lot of confusion. Chief Fong stated that in large buildings, they have building management that hold meetings with members of the building. The Department works with them and police and fire drills are conducted.

Commissioner Keane asked about the Mission gangs and asked if there is an ethnic difference between the two gangs or is it just a question of which block or which neighborhood they live on. Chief Tabak stated that quite often it becomes a neighborhood issue and they are very protective of certain areas in their neighborhood and they are from 12 to 18 years of age. Chief Tabak stated there are probably several hundred on both sides and these are validated gang members that the Department knows about.

PUBLIC COMMENT

Mark Schlosberg, ACLU, thanked the Commission for requesting that a review of officer-involved shooting be done and offered some suggestions regarding officer-involved shooting.

Marylon Boyd, Justice for Cammerin Boyd, would like to hear from the Department on how the Department is going to get accountability for what happened to her son. She said that she has not heard from the Department and

has not seen a status report on that.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding Chief Fong's report and discussed concerns regarding 26 OIS cases that are still pending and open.

Leroy Moore, Justice for Cammerin Boyd Campaign, discussed concerns regarding OIS cases not being resolved.

Mike Molina, Ella Baker Center for Human Rights, stated that cops are just regular people and just like regular people, they should be held accountable.

Steven Curier, Outer-Mission Residence Association, thanked the Commission for holding a meeting in their community on July 28th. He stated that the Outer-Mission Association voted unanimously to support not publishing the names of the officers in officer-involved shootings because it will drive good officers from San Francisco.

Catherine Tyson spoke regarding Operation Impact. She stated that she was pulled over by a CHP officer and stated that she was harassed by this officer.

Lonnie discussed concerns regarding people that have been murdered by the San Francisco Police Department.

Unidentified discussed concerns regarding gang violence and actions by police and how Cammerin Boyd was shot with his hands up in the air.

Justine Fernandez, Books not Bars, asked the Commission to put a stop to police violence and abuse in the San Francisco Police Department.

Camille Boyd stated that she has family in the Police Department and stated that her family is not afraid of names being released and stated that the ones leaving the Department are the ones doing wrong.

Mary Harrison, President of District 11 Council, discussed concerns regarding police bashing. She stated that the officers are afraid for their families. They are afraid for their school children that go to school in the community and they don't want them taunted or ridiculed.

Vanessa Moses discussed concerns and wanted to take a moment to recognize the courage that it takes for family members of Cammerin Boyd and people who have been slain by officers to speak to the Commission.

## OCC DIRECTOR'S REPORT

**a. Review regarding staffing, budget, and summary of recent events**

Director Kevin Allen stated that there are currently seven OIS cases that are being investigated by the OCC and stated that they can only start a formal investigation when a complaint has been filed. He thanked the Bay Area Police Watch for their help in getting people to talk and bring various agencies together in the event people do not want to make multiple statements, they have brought the different agencies together in a neutral location and are currently trying to get the District Attorney, the Police, and the OCC together to do one interview of several witnesses.

Director Allen talked about domestic violence and mediation. He also stated that when the OCC hires its policy person, he will look to do a best practices review of time limitations on releasing information, check other agencies on what they do in relation to releasing information and their investigation processes. He stated that they've met with the District Attorney to see how the OCC's investigation and the Department's investigation coincides with the District Attorney's investigations of criminal cases to see if there is a way that when an incident occurs that all investigations can take place not to taint another investigation and not to inhibit another agency from being able to investigate and so that everybody gets their investigation done in a timely manner.

PUBLIC COMMENT

Mark Schlosberg, ACLU, discussed concerns regarding not having a policy writer and why can't investigators be asked to do policy reviews as has been done in the past.

## REVIEW OF OCC POLICY RECOMMENDATIONS PRESENTED TO THE POLICE DEPARTMENT FROM 1999 TO PRESENT

Captain Denis O'Leary, Risk Management, stated that there was a package of information prepared that included Department bulletins, lesson plans for roll call training and stated that there are 25 OCC policy recommendations that are before the Commission; 13 have been done and the rest are either in the process of discussions with the OCC based on Department's objections to the policy recommendation and some of them are partly done. The Department does not object to the policy recommendations. The portions of Department General Orders and Department bulletins that are before the Commission shows the Department's response to the policy recommendations.

Captain O'Leary referred to the packet that has to do with the policy recommendation regarding transgender communities. He explained that that is a classic example of how many Department General Orders could be impacted by a policy recommendation. Captain O'Leary stated that the Department is half way done with the policy recommendations that the OCC has put before the Department.

Commissioner Sparks asked about a list of policy recommendations that have been completed, what status all of them were, and which of them are still pending and asked if it is possible to actually tell the Commission which ones have been enacted and which ones are in negotiations, and which ones have been thrown out.

Commissioner Renne stated that it might be easier if the Commission had a summary sheet that list status of all policy recommendations. Captain O'Leary stated that what the Commission is asking for he has in his notes and he can include it in the Commission's Friday packet.

Commissioner Renne asked that this item be continued for next week and requested a checklist that will give the status of each of the policy recommendations.

Director Kevin Allen commended the Department for 15 policy recommendations that have been completed.

PUBLIC COMMENT

Mark Schlossberg, ACLU, though it was a good idea that item is continued. He also stated that Charter section 4.127 requires quarterly reports about policy and practice reviews from the OCC to the Commission. He stated that that has not happened. He wants to make sure the this policy recommendation function is fulfilled as required by the Charter.

## DISCUSSION AND POSSIBLE ACTION TO INSTRUCT THE CHIEF OF POLICE TO WORK WITH THE CITY'S PURCHASER TO TERMINATE THE KROLL CONTRACT

Commissioner Renne stated that she is concerned that now that the OCC has filed charges with the Commission and the Commission will be the adjudicatory body, to have extraneous evidence presented could potentially create a due process claim. Commissioner Renne stated that if the Commission does vote to continue the contract, that it be made clear that the report go only to the Chief and that in no way the Commission see it or even consider it. She further stated that if the Chief or the OCC decide to take it into account, that's up to them, but she is concerned that a third party's report that would come to the Commission could bring claim of somehow jeopardizing the proceedings.

Commissioner Keane stated that at the end of last year he was solicited by the Police Department to put in a proposal for what became the Kroll contract. He stated that he put in a proposal. He stated that on the final report that Kroll might give to the Chief, if the Chief thinks it's helpful to get this report, Commissioner Keane stated that's fine. He further stated that he was disturbed and still is disturbed by the letter written by Kroll.

Commissioner Veronese agreed with Commissioners Keane and Renne and further stated that he has the utmost confidence in OCC to present its case to the Commission and stated that he doesn't think that the OCC needs this particular report to do that. He further stated that if the Chief wants an independent investigation done, he believes that she is entitled to it and he thinks that third party information may be useful. However, he stated that he don't believe that that information should come before the Commission unless it is corroborated by independent evidence.

Commissioner Chan asked the Deputy City Attorney if the contract were to go forward and if the report is completed, to what extent would that report be subject to public disclosure pursuant to the Sunshine Ordinance and stated that his concern is that parts or elements of this report would be reported in the media. Ms. Morley, City Attorney, stated that if the Department were to receive a public records act request for this report, she believes that the Department will be advised that this report be treated in the same manner that they would treat a sustained case report from the OCC or a case report from MCD. They would not be subject to disclosure pursuant to a public record act request.

Motion by Commissioner Chan to excuse Commissioners Keane and Renne. Second by Commissioner Veronese. Approved 5-0.

Captain O'Leary went over the contract and stated that this request for proposal came as a result of the Police Commission directing the Acting Assistant Chief of Police, at the time, Heather Fong, to oversee a process to select somebody to review the OCC sustained case report or the investigation. Captain O'Leary stated that the contract described the scope of the work which basically describes what Lt. Doug Carr, Officer in Charge of MCD, and what I do and basically it asks for the person that got this contract to review the provisions of the City Charter, the Police Department's General Orders, to review the entire case file including the investigator's report and listen or view all the tapes that came as a result of the investigation, to read the transcript of the Grand Jury proceeding that resulted in the indictments in this matter, to read the investigator's chronology, and to look at all the evidence that the OCC gathered.

Captain O'Leary stated that there's a great deal of concern that has to do with the written report. The contract calls for the written report that Kroll is being asked to do to be submitted to the Chief of Police. No where in this contract is it asked that the report be given to the Commission. The contract also takes into account Commissioner Chan's observations and comments about whether or not the report to the Chief of Police is confidential. Captain O'Leary stated he will speak to the person who wrote the letter to make sure that he understands the concerns of the Commission.

Captain O'Leary explained that there were three items that were in the Kroll letter. Two of those items were directed to the OCC and the third one was directed to the Police Department and it had to do with how the Department was able to keep a probationary officer who was a subject of misconduct complaints. Captain O'Leary stated that he doesn't think Kroll was showing any bias because they were looking at the OCC and the Police Department.

Captain O'Leary stated that the money for this contract came from last year's budget and the money has already been budgeted and stated that the

Department would like to continue the contract with Kroll. Captain O'Leary stated that he thinks that it will address all the concerns that were raised at the Commission about the bias expressed in the letter and stated that the Department is very much interested in a professional corporation such as Kroll looking at how the Department do things especially in the internal affairs portion of the SFPD to let the Department know if the Department is doing things right or not and the Department would like to look at new information.

Commissioner Orr-Smith asked Captain O'Leary if he is suggesting that because of the contract language that that supercedes the Commission's Charter authority to review the investigation. Captain O'Leary stated that the Commission can read the report if the they wanted to read the report and stated that the contract does not call for the report to go to the Commission. The contract calls for the Kroll's report to go to the Chief of Police.

Commissioner Veronese asked how long will it take to complete the contract. Captain O'Leary stated that he cannot answer on how long the contract is going to take.

Commissioner Sparks stated that she believes that this report should be completed and that it should be completed pursuant to the contract's terms and given directly to the Chief. Commissioner Sparks stated that this may be a way to deflect criticism that the Department is trying to cover up and that the Department is investigating itself. Commissioner Sparks stated that this is a third party independent agency and she believes that more information is good and for additional eyes to look at it, additional policy recommendations would be good for the Department and good for the Chief and stated that with the way the contract is written that the report could be kept from the Commission and thus would be kept from the Commission as part of the materials submitted for the evidentiary hearing. She moves that the Kroll contract continues pursuant to the terms and conditions originally set forth in the letter.

Motion by Commissioner Sparks to instruct the Chief of Police NOT to work with Purchasing to terminate the Kroll contract. Second by Commissioner Veronese.

Commissioner Chan suggested that a motion to table would be more appropriate.

Commissioner Sparks amended motion per Commissioner Chan's statement. Motion by Commissioner Sparks to table this matter. Second by Commissioner Veronese. Approved 5-0.

**APPROVAL OF THE MINUTES OF THE POLICE COMMISSION MEETING OF JULY 14, 2004**

PUBLIC COMMENT

None

Motion by Commissioner Keane to approve the minutes, second by Commissioner Marshall. Approved 7-0.

**PUBLIC COMMENT**

Steve Johnson, POA, discussed concerns regarding comments made by the spokesperson for Bay Area Police Watch.

Jim Salinas, Sr., thanked the Commission for bringing issues up relative to the Mission District community. He congratulated Chief Fong and thanked her for her contributions. He stated that on July 26th his vehicle was broken with valuables taken. He stated that because of that incident, he walked into the Mission Station and complained about the demeanor of the officer who assisted him.

COMMISSION ANNOUNCEMENTS

a. **Scheduling of items identified for consideration at future Commission meetings**

Commissioner Sparks asked that dates regarding OIS summaries that Captain O'Leary presented be placed on the calendar for the first meeting of the subsequent month so that progress can be reviewed. Commissioner Sparks also asked that a possible resolution be placed on the calendar thanking and congratulating the former Commissioners and the former Commission for their years of service and prepare resolutions to that effect and inviting them to a Commission meeting and presenting those resolutions to each Commissioner.

Lieutenant Geeter announced that the next meeting will be in the Park Police District at the Public Library, at 1833 Page Street, at 6:00 p.m.

Commissioner Renne asked the Commission if they wanted to view a demonstration of the Taser weapon during the week of September 6th through 10th or September 20th through the 24th at the Hall of Justice. The Commission decided on Wednesday, September 22nd, at 3:00 p.m.

Thereafter, the meeting was adjourned at 8:45 p.m.

Sgt. Joseph O'Keefe
for Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

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LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, AUGUST 25, 2004**
**6:00 p.m.**

**PARK DISTRICT**
**Page Street Public Library**
**1833 Page Street**
**San Francisco, California**

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Pledge of Allegiance: Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)

4. Captain John Ehrlich, Commanding Officer of Park Station, to address the Commission on Police Activities in the Park District (DISCUSSION ONLY)

5. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

6. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

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# PUBLIC MEETING/HEARING
# ACCESSIBILITY INFORMATION

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The proceeding will be held at Park Branch Library 1833 Page Street, San Francisco.
The closest accessible BART n/a.
Accessible MUNI lines serving this location are Line 66 and 71, Line 43.
Non-Accessible Lines 6 and 7

For information about MUNI service call 923 6142.

Accessible parking is available at the following location:

Accessible seating for persons with disabilities and wheelchairs will be availa

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

# San Francisco Police Commission Meeting in the Park District

*Come meet your Police Commissioners! This is an opportunity for citizens of the Park District to address the Police Commission on matters of interest and concern. A public comment period will follow!*

**Hosted by:** **Park Police Station**

**Where:** **Page Street Public Library, 1833 Page St.**

**When:** **Wednesday, August 25, 2004 at 6 PM**

*Free parking will be available behind the Kezar Gym. Turn into the access road from Stanyan Street located on the Northeastern side of the gym.

**AUGUST 25, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Park District, Page Street Public Library, 1833 Page Street, San Francisco, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

The Commission introduced themselves and gave a brief bio.

**CHIEF'S REPORT**

**a. Review of Recent Activities**

Chief Heather Fong introduced herself and the members of her Command Staff. Present were Deputy Chiefs Pengel, Suhr, Tabak, and Parra, Commanders Craig, Puccinelli, Shinn, and Harper.

Commissioner Marshall asked the Chief about Ramey Warrants, where the police makes an arrest and the District Attorney does not follow up.

Chief Fong explained the process of obtaining a Ramey arrest warrant and stated the police can arrest a person after the Ramey warrant is signed by a judge. The District Attorney, on the other hand, must decide if they have enough evidence to prosecute the person arrested..

Commissioner Keane stated that there was an excellent article in the Examiner that explained the Ramey warrant process. He stated that he will give a copy to Lt. Geeter for distribution to the Commission and the Command Staff.

Commissioner Veronese asked why the police asks for assistance from the U.S. Marshalls to assist in a Ramey warrant arrest of a homicide suspect.

Deputy Chief Tabak explained that the reason why the Department ask for the assistance of the U.S. Marshalls' office was because the subject was a parolee at large and was also wanted in other jurisdictions for crimes committed in those areas.

Commissioner Sparks asked if the Department looked at whether a suspect could be held on other charges when they request Ramey warrants.

Chief Fong stated that suspects are also checked to ascertain if they have any other charges against them.

Commissioner Keane introduced a former student of his that is running for the Board of Supervisors. Thereafter, Commissioners Veronese and Renne asked all candidates to stand and introduce themselves and what office they were seeking. Approximately seven supervisor candidates introduced themselves.

**OCC DIRECTOR'S REPORT**

**a. Report on the function of the Office of Citizen Complaints**

Director Kevin Allen introduced himself and explained the function of the OCC. He also stated that through meeting with the Department, the OCC will, within two months, will make a presentation to the Commission regarding mediation.

**COMMISSION ANNOUNCEMENTS**

DOCUMENTS DEPT.

APR - 4 2005

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Commissioner Renne stated that she had two points to announce. First, she will have a meeting next week with DHR to discuss the possibility of hiring a civilian as Secretary to the Police Commission because Lt. Geeter will be retiring soon. Second, on Wednesday, September 8th, is the opening of the San Francisco Symphony and there will be a large formal dinner and party that will take place at City Hall during the time the Commission is scheduled to hold its meeting. She asked the Commission to consider cancelling the meeting and to let Lt. Geeter know.

**CAPTAIN JOHN EHRLICH, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT**

Captain John Ehrlich, Commanding Officer of Park Station, welcomed the Commission to the Park District. Captain Ehrlich distributed a map of the district and crime statistics. He then proceeded to describe different neighborhoods and the crime issues within each neighborhood.

Commissioner Keane asked Captain Ehrlich of the problems of embezzlement of funds from the Haight Ashbury Free Clinic have any effect within the Haight Ashbury area.

Captain Ehrlich stated that the clinic not only provides health care but also provides outreach, and a needle exchange program but he couldn't say what effect it is having in the community.

Commissioner Marshall, who lives in the Park District, asked about cabs speeding in the district.

Captain Ehrlich stated that the officers do cite speeding cab drivers as well as any other speeding violations and that if anyone wants to report a speeding cab, just write down the number on the cab door and that driver can be identified.

Commissioner Sparks asked what was being done about aggressive panhandling.

Captain Ehrlich stated that if they view or if they are called to respond to an aggressive panhandling, they first talk with the person and advise that person that what they are doing is not acceptable and if it continues, they will be cited or arrested, when necessary.

Commissioner Veronese asked Lt. Geeter that, in future district meetings, it would be appreciated if the Commission could receive district crime statistics prior to the meeting.

Commissioner Orr-Smith asked about Pitts Plaza and asked Captain Ehrlich about how that area is policed by his officers.

Captain Ehrlich explained that at community meetings he would ask the residents what they want the police to do when patrolling their area and from the response that he receives from the residents, he attempts to go by their wishes if he can get the community to agree.

Commissioner Marshall asked Captain Ehrlich what gangs are operating in the Pitts Plaza area and if the Captain has attempted to get the Mayor involved like he has in the Bayview.

Captain Ehrlich stated that there is OC and Chappa and he stated that he has talked to someone in the Mayor's office.

Commissioner Keane asked Captain Ehrlich to comment on the parking problem occurring with the blocking of the driveway into the station and of problems with police cars getting out in an emergency.

Captain Ehrlich stated that he is working with Park and Rec to address the problem.

**PUBLIC COMMENT**

Unidentified cab driver spoke on the closing of Waller and Stanyan Streets.

Mattie Scott, mother of a homicide victim, wanted to invite the Commission to a neighborhood block party on Saturday, August 28th, 10 to 7 p.m., which will take place following Mayor Newsom's Town Hall meeting at 1290 Fillmore Street.

Evangelist Johnson spoke in support of Captain Ehrlich and asked for more community support for the young people. She stated they will be holding a Friday Night Live Celebration with games for the kids, police and fire department will barbeque and the Mayor will be there, 1580 Eddy Street.

Unidentified, candidate for District 7 Supervisor, thanked Captain Ehrlich and stated that some of the homeless problems could be solved by having more police presence.

Ginger Martin, Haight Ashbury Free Clinic, spoke in support of Captain Ehrlich and commended him on how he responds to the community and the community's concerns about crimes.

Bob, Alama Square Neighborhood Association, spoke on the issue of residents in the area being assaulted and stabbed in Alamo Park.

Alicia Reynolds, resident of 500 Central Block, stated that the residents are concerned about drug selling on the block. She stated that Captain Ehrlich made a raid on one house on the block but the drug dealers are still in the neighborhood and stated that more can be done.

Pablo Hizin, Director of Haight Area Street Fair, spoke on the issue of the police not being interested in single people and stated that every resident is not a family.

T. Hozman, cab driver, spoke on the issue blocking streets in the Broadway area on Friday and Saturday nights preventing cab drivers to drop off customers.

Michelle Father spoke on the issue that she once called the police 911 and was put on hold for 15 minutes.

C. Farrow, Haight Ashbury Merchants Association, thanked Sgt. Porto who is about to retire. He also spoke on the issue of a proposed plan to have an event at Kezar Stadium with more than 10,000 people expected to attend and won't that cause problems for the neighborhood.

Joan Downey spoke in support of Captain Ehrlich and stated that police should spend more time writing tickets for double parking and sidewalk violations.

Carol Cromey thanked Captain Ehrlich and Sergeant Porto for the work being done.

Unidentified, former resident, thanked the Department and stated that the press do not give the police support.

Sandra Cooper, Idriss Stelley Foundation, asked the people of the Park District to attend the Commission meeting at City Hall.

Carolyn thanked Captain Ehrlich for his work with the MLK and Marcus Garvey area.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Chan asked for a report on four things: (1) the plainclothes policy per the city or district; (2) have the department looked at the possibility of triangulation of gunshots to pinpoint locations; (3) assaults on

Muni drivers and how the department is responding to the issue and could the Director of Muni or its Union be invited to a Commission meeting to address the Commission of their concerns; (4) the relationship between the Police Department and Park & Rec and the budget issue around the topic.

Commissioner Veronese asked for (1) a report on 911 calls and are people being put on hold for 15 minutes; (2) what resources are allotted for Municipal and Safety Codes as it relates to obtaining permits; (3) meeting in the community should be located near parking so people can park and not have to be transported by a police car.

Commissioner Orr-Smith how can PAL be better used as a resource.

Thereafter, the meeting was adjourned at 8:20 p.m.

for Lieutenant Edward Geeter
Secretary
San Francisco Police Commission

1273/rct

# The Police Commission

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LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 1, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

***Closed Session (4:00 p.m.) in Room 82 (Basement)***

Roll Call.

1. Public Comment on all matters pertaining to the Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b)

   PUBLIC EMPLOYEE APPOINTMENT/HIRING:
   Secretary to the Police Commission

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AUG 31 2004

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***Open Session (5:30 p.m.)***

Reconvene to Open Session.

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a))

5. Chief's Report (DISCUSSION ONLY)
   a. Update on the Quarterly Report of Provision of Documents to the OCC (April-June 2004)
   b. Update on rotational plan for assignment of officers to Traffic Company Motorcycle Unit
   c. Update on policing of Muni Transit Lines
   d. Review of Recent Activities

6. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, SEPTEMBER 1, 2004
### 5:30 p.m.

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.
   b. Assignment of disciplinary charges filed against Sergeant Robert R. Bohanan (File No. C04-161 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.
   c. Assignment of disciplinary charges filed against Sergeant Reno Rapagnani (File No. C04-159 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.

8. Approval of minutes of the Police Commission meeting of July 21, 2004 (ACTION ITEM)

9. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

10. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

***PLEASE NOTE:*** The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold a Special Meeting on Wednesday, September 22, 2004, at 3:00 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, for a Demonstration of the Taser Weapon

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

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21 Dr Carlton B. Goodlett Place, San Francisco

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47 Van Ness, 5 Fulton, 31 Balboa

or information about MUNI service call 923 6142

he closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

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Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, SEPTEMBER 1, 2004

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Police Commission meeting for Wednesday, September 1, 2004, has been cancelled.** For the schedule of next week's meeting, please check the website, www.sfgov.org. , on Friday after 1:00 p.m.

DOCUMENTS DEPT.

SEP - 1 2004

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**TUESDAY, SEPTEMBER 7, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 263**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Update on the Quarterly Report of Provision of Documents to the OCC (April-June 2004)
   b. Update on rotational plan for assignment of officers to Traffic Company Motorcycle Unit
   c. Update on policing of Muni Transit Lines
   d. Review of Recent Activities

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2. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

3. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.
   b. Assignment of disciplinary charges filed against Sergeant Robert R. Bohanan (File No. C04-161 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.
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4. Approval of minutes of the Police Commission meetings of July 21, 2004, July 28, 2004, and August 4, 2004 (ACTION ITEM)

5. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

6. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### TUESDAY, SEPTEMBER 7, 2004
### 5:30 p.m.

**CITY HALL, ROOM 263**
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For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**SEPTEMBER 7, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**CHIEF'S REPORT**

**a. Update on the Quarter Report of Provision of Documents to the OCC (April-June 2004)**
**b. Update on rotational plan for assignment of officers to Traffic Company Motorcycle Unit**
**c. Update on policing of Muni Transit Lines**
**d. Review of Recent Activities**

Captain Charles Keohane, Risk Management, presented the update on the Quarter Report of Provision of Documents to the OCC (April - June 2004).

Deputy Chief Greg Suhr, FOB, explained the rotational plan for assignment of officers to Traffic Company Motorcycle Unit.

Deputy Chief Greg Suhr, FOB, also updated the Commission on crimes on Muni. Chief Suhr explained that over 87 percent of the crimes that occurred on Muni were thefts and not of a violent nature. Chief Suhr stated that, after speaking with Robert Hortan who is the Security Director for the MTA, that crime in general is down 5 percent on Muni and incidents on Muni are down 22 percent.

Commissioner Orr-Smith asked about the message boards. Deputy Chief Suhr stated that the message boards are used to remind people to be aware and to be careful of their belongings while riding Muni.

Commissioner Chan asked if there is some way in which additional emphasis is given to particular lines on which there appears to be a higher incidents of robbery, for example. Deputy Chief Suhr stated that the Department works closely with the Director of the MTA Security and he delineates the lines that he liked to have the riders on the most and the Department do focus x amount of officers, specially from the Muni Response Team. Commissioner Chan asked if the data in which the Department based the allocation of resources provided by Muni Security Personnel in terms of their tracking of incidents. Chief Suhr stated that yes, that is part of it, but the Department also gets information from Gang Task Force or the merchants or the SRO program.

Deputy Chief Mindy Pengel, for Chief Fong, reported that today was the kick off for the joint training between the SFFD and the SFPD for four hours of Weapons and Mass Destruction. Chief Suhr stated that there will be 90 classes over the next six weeks. The entire Police and Fire Department are to be trained in 4-hour blocks and it's largely response training, perimeter training, capabilities of different devices that may or may not be found and then pre-incident, real time incident, and then post incident training at to how to interact with one another. Training is paid for out of a Federal Grant.

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**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Kevin Allen reported on recent activities of the OCC. He stated that Donna Medley attended a Defense Training Seminar to talk about

ethics in the work place. He also stated that the OCC's Senior Investigator Shari Toney, Senior Investigator, was called to be in a panel to talk about Crowd Control at the National Association of Civilian Oversight of Law Enforcement Conference which will be held in Chicago in mid October.

Commissioner Sparks asked about a demonstration on Union Square on Labor Day and asked if any OCC observers were present during the demonstration. Director Allen stated that he didn't hear that the demonstration was going to take place and because of the 3-day holiday, he didn't have anybody at that demonstration.

Commissioner Veronese asked how the OCC is notified of demonstrations. Director Allen stated that the Department notifies the OCC and that anytime that the Department know something in advance, the Department notifies and alerts the OCC.

COMMISSION ANNOUNCEMENTS

a. **Assignment of disciplinary charges filed against Sergeant Leanna M. Dawydiak (File No. C04-160 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**
b. **Assignment of disciplinary charges filed against Sergeant Robert R. Bohanan (File No. C04-161 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**
c. **Assignment of disciplinary charges filed against Sergeant Reno Rapagnani (File No. C04-159 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

Commissioner Renne explained that these three cases, because they are so closely related to the Union Street cases, in light of the action taken by the Commission to have those cases assigned to the entire Commission, all three of these cases should be assigned as well to the entire Commission to hear.

Commissioner Keane stated that although these cases are tied to the Union Street case, these particular cases have no factual relationship to the incidents relating to the Union Street incident and that he does not find any necessity to recuse himself and that he will be part of the Commission that would be hearing it.

Commissioner Veronese stated that he might ask to be recused from hearing these cases and will consult with the City Attorney regarding assignment of these cases.

PUBLIC COMMENT:

Scott Barrell, Attorney with firm that represents Sgt. Rapagnani and Sgt. Dawydiak, spoke on the issue of discovery. He stated that his firm has asked several times for discovery and that they have not received anything and was informed by the Department that discovery may not be provided until 30 days before a hearing. He asked the Commission for help to expedite this process.

Commissioner Renne stated that she will get together with counsel very quickly to discuss motions and discovery requests.

David Pilpel stated that he is interested in this issue and is interested in how the Commission is proceeding on this matter and asked where rules of procedures on these types of matters can be found.

Commissioner Renne asked Mr. Pilpel to consult with the City Attorney since the Commission cannot engage in dialogue during public comment.

Kathleen Silk, Bay Area Police Watch & Justice for Cammerin Boyd, wanted to address the double standard that's been brought by this agenda item.

**RESOLUTION NO. 84-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT LEANNA M. DAWYDIAK (FILE NO. C04-160 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant Leanna M. Dawydiak, Star No. 626, Southern, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Leanna M. Dawydiak; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Leanna M. Dawydiak, and is to be set at a later date.

AYES: Commissioners Renne, Orr, Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**RESOLUTION NO. 86-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT RENO RAPAGNANI (FILE NO. C04-159 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant Reno Rapagnani, Star No. 1641, Richmond, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Reno Rapagnani; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Reno Rapagnani, and is to be set at a later date.

AYES: Commissioners Renne, Orr, Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**RESOLUTION NO. 85-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT ROBERT R. BOHANAN (FILE NO. C04-161 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date

for hearing on disciplinary charges filed against Sergeant Robert R. Bohanan, Star No. 490, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Robert R. Bohanan; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence before the full Commission in the disciplinary charges filed against Sergeant Robert R. Bohanan, and is to be set at a later date.

AYES: Commissioners Renne, Orr, Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETINGS OF JULY 21, 2004, JULY 28, 2004, AND AUGUST 4, 2004**

Motion by Commissioner Chan to approve the Police Commission minutes of July 21, 28, and August 4, 2004 with amendment to the July 21st minutes. Second by Commissioner Sparks. Approved 6-0.

**PUBLIC COMMENT**

David Pilpel expressed concerns regarding posting of agendas and requested that agendas be posted at the different district stations.

Al Lewis presented letters to the Commission from the Ocean Avenue merchants regarding bicycle patrol in the Ocean Avenue area and asked for beat patrol officers for the area.

Unidentified, SF resident, works for Amnesty International, invited the Commission to a community discussion regarding racial profiling in the US after 9-11.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Chan asked for a report regarding the function of the Legal Division and its duties and obligations. Commissioner Chan also asked for a report from the Graffiti Unit and how information flows from the Graffiti Unit to Gang Task Force.

Commissioner Keane would like to know how the Legal Department makes its determination whether something should or should not be released.

Commissioner Sparks asked about the Cammerin Boyd incident and would like an update from the Chief as to whether or not there's been further communication with the District Attorney and if there is any anticipated time in which the District Attorney will allow the Police Department to release the case files.

Commissioner Veronese asked to be put on the fax distribution list of the daily incident recap reports.

Commissioner Renne, on behalf of the entire Commission as well as previous Commission, presented Lt. Geeter with a Certificate of Appreciation for his upcoming retirement and thanked Lt. Geeter for his service.

Thereafter the meeting was adjourned at 6:43 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 15, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

**Closed Session (5:00 p.m.)**

Roll Call.

1. Public Comment on all matters pertaining to the Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d). (ACTION ITEM)

04

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations

a. Alema Hoskins, a minor, and Jeanell Harris, a minor, et al v. CCSF, et al, San Francisco Superior Court No. 416-515
b. Andrew King v. City and County of San Francisco, USDC No. C03-4879

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***Open Session (5:30 p.m.)***

Reconvene to open session.

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

09-16-04A10:05 RCVD

5. Approval of the consent calendar (ACTION ITEM)

6. Chief's Report (DISCUSSION ONLY)
   a. Status of proposed changes to Department General Order 8.11, "Officer-Involved Shootings"
   b. Review of Recent Activities

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

## SAN FRANCISCO POLICE COMMISSION AGENDA

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

### REGULAR MEETING
### WEDNESDAY, SEPTEMBER 15, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

8. Discussion of Commissioner Keane's proposal to require additional reporting: 1) by the OCC on the status of OCC investigations and the caseloads of OCC investigators; and 2) by the Chief of Police on the status of MCD investigations, the status of sustained MCD cases, and the type of sustained OCC cases. (DISCUSSION ONLY)

9. Commission Announcements (DISCUSSION ONLY)

10. Public Comments
***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

   a. Alema Hoskins, a minor, and Jeanell Harris, a minor, et al v. CCSF, et al, San Francisco Superior Court No. 416-515

2. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

   b. Andrew King v. City and County of San Francisco, USDC No. C03-4879

***PLEASE NOTE:*** The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold a Special Meeting on Wednesday, September 22, 2004, at 3:00 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, for a Demonstration of the Taser Weapon.

2. The Commission will hold its Community Meeting at the Mission District, Sanchez Elementary School, 325 Sanchez Street, between 16th and 17th Streets, at 6:00 p.m., on Wednesday, September 29, 2004, to hear comments from the public and Mission Captain John Goldberg concerning public protections issues in the Mission District.

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

## *KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE*

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

eeting agendas and other print materials will be made available in alternate formats omputer disk, cassette tape, large print or Braille) upon advance request at least 72 ours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 53 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

ndividuals with severe allergies, environmental illness, multiple chemical ensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. n order to assist the City's efforts to accommodate such people, attendees at public eetings are reminded that other attendees may be sensitive to various chemical ased products.

he proceeding will be held at: City Hall, Room 400
1 Dr Carlton B. Goodlett Place, San Francisco

ccessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness. 5 Fulton. 31 Balboa
or information about MUNI service call 923 6142

he closest BART Station is: Civic Center

Accessible parking

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**SEPTEMBER 15, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:17 p.m., in Closed Session.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d).

CONFERENCE WITH LEGAL COUNSEL - Existing Litigations

a. Alema Hoskins, a minor, and Jeanell Harris, a minor, et al v. CCSF, San Francisco Superior Court No. 416-515

b. Andrew King v. City and County of San Francisco, USDC No. C03-4879

**SEPTEMBER 15, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commission Keane for non disclosure. Second by Commissioner Veronese. Approved 6-0.

**APPROVAL OF CONSENT CALENDAR**

No Public Comment.

Commissioner Renne announced that Item 3(b), Andrew King v. City and County of San Francisco, was not considered by the Commission in Closed Session.

Motion by Commissioner Chan, second by Commissioner Keane. Approved 6-0.

**RESOLUTION NO. 87-04**

**ALEMA HOSKINS, A MINOR, AND JEANELL HARRIS, A MINOR, ET AL v. CCSF, ET AL**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Alema Hoskins, a minor, and, Jeanell Harris, a minor, et al v. CCSF, et al," in San Francisco Superior Court No. 416-515, be, and the same is hereby approved.

Date of Incident: January 21, 2002

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

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CHIEF'S REPORT

**a. Status of proposed changes to Department General Order 8.11, "Officer-Involved Shootings"**

Captain Keohane, Risk Management Division, reported on the status of the proposed changes to Department General Order 8.11, "Officer-Involved Shootings." Captain Keohane stated that the Department received policy recommendations from the OCC that applies to General Order 8.11. These issues were to provide information on officer-involved shootings, in-custody deaths, traffic accidents involving SFPD pursuits and vehicles, assignment by the Chief of Police for liaison personnel to provide information to the family of individuals who dies as a result of an officer-involved shooting or dies while in the custody of SFPD or as a result of a traffic fatality involving SFPD vehicle pursuits. It also included the duty of the liaison personnel was to release incident reports to the family unless the Chief of Police asserts reasons to withhold the reports as allowed under the Government Code of San Francisco Administrative Code. The policy recommendation also called upon the Department not to make public statements or to issue press releases that appear to predetermine the outcome of the investigation or that it unnecessarily place the deceased person in a negative light while maintaining an officer's First Amendment rights. It also included the improvement of dissemination of information by the SFPD by providing written analysis that address frequently asked questions concerning officer-involved shootings and fatal accidents.

Captain Keohane stated that the status at this time was in the original re-write by Lt. Hennessy. Internal units and the OCC were added to the list of notification. The internal units were the Legal Division, the Risk Management Office. The Shooting Review Board was re-instituted for accountability and reporting purposes. However, at this time, it may be removed and what will be done is to re-institute General Order 3.10 and issue that as a separate bulletin. Captain Keohane stated that time lines are being revisited and they may be unrealistic in the first draft that was given to the Commission. Captain Keohane explained that, due to the fact that the Department is dealing with external units such as the Medical Examiner's Office and the District Attorney's Office, that the time lines were not very realistic. Captain Keohane stated that rather than create an order that would fail, he proposes that the time limits be changed to the Homicide has 45 days to complete their investigation, MCD has 60 days, and possibly 75 days be provided to the Chief.

As far as the OCC policy recommendations, Captain Keohane stated that he met with Director Allen and they have discussed each one of the policy proposals and where they would best fit in the policies and procedures of the Police Department. Proposal #1 states that it shall be the policy of the San Francisco Police Department to provide as much information as possible without endangering the successful completion of the investigation or related investigations to the families of individuals in officer-involved shootings, in-custody deaths, and traffic accidents involving officers pursuits. The Police Department agrees with this policy and it states that it shall be the policy of the San Francisco Police Department to provide as much information as possible consistent with the relevant provisions of the California Penal Code, the San Francisco Administrative Code Sunshine Ordinance, the California Government Code Public Records Act, and other applicable loss to the families of individuals in officer-involved shootings, in-custody deaths, and traffic accidents involving SFPD officer pursuits. Captain Keohane stated that rather than incorporate this policy under General Order 8.11, the Department is exploring a re-write of Department General Order 8.04, "Critical Incident Response Team." The new DGO can be titled Critical Incident Response and include resources to be provided to external individuals and families.

Proposal #2 states that the Deputy Chief of Investigation shall also assign SFPD to serve as a liaison to the family of an individual killed in an officer-involved shooting, who dies while in custody of the SFPD, or as a result of a traffic fatality involving an SFPD vehicle or pursuit. This liaison

shall initiate contact with the family of the deceased individual and promptly provide them with information about the SFPD, the Medical Examiner's Office procedure, crime scene processing, processing of the deceased individual and his or her property, the agencies conducting investigations into the fatality and their respective rules, and provide relevant SFPD policies. The liaison shall be able to provide information to the family on an ongoing basis concerning investigations by the SFPD and other related agencies. Captain Keohane stated that the Department's response to that policy proposal is the Deputy Chief of Investigation shall assign SFPD personnel to serve as a liaison to the families and it mirrors the policy proposal. But rather incorporate this policy into General Order 8.11, the Department is exploring a re-write of General Order 8.04, "Critical Incident Response Team" where these duties will be placed.

Proposal #3 states that the liaison shall promptly disclose to the family all incident and traffic reports unless the Chief of Police asserts that providing the report would endanger the successful completion of the investigation or related investigation or endanger the safety of its officers or other persons involved in this investigation. The Chief of Police shall justify to the Commission the continuing need to maintain confidentiality of undisclosed information contained in the incident report. The Captain stated that the Department agrees with this proposal and the liaison shall promptly disclose to the family all incident and traffic reports unless the Chief of Police asserts that providing the report would endanger the successful completion of the investigation or related investigation or endanger the safety of the officers of other persons involved in the investigation or is contrary to law. The Chief of Police shall justify to the Commission the continuing need to maintain confidentiality of undisclosed information contained in the incident reports. But rather incorporate this policy into General Order 8.11, the Department is exploring a re-write of General Order 3.16, "Release of Police Reports." In this regard, General Order 8.09 may also be affected as Section 6254.5 of the Government Code states that whenever a State or local agency discloses a public record which is otherwise exempt from this chapter to any member of the public this disclosure shall constitute a waiver of the exemptions specified in this act. This means that the Department cannot provide the family all incident and traffic reports and invoke exemptions to the Public Record Act and denying the same information to other members of the public and the media.

Proposal #4 states the Police Department shall not make public statements or issue press releases that appear to predetermine the outcome of an investigation where that unnecessarily place the deceased person in a negative light. Nothing in this policy shall inhibit the First Amendment Rights of individual members of the SFPD provided they shall not make public statements in an official capacity, in uniform, or purport to be speaking on behalf of the Department. The San Francisco Police Department agrees and response and shall not make public statements or issue press releases that appear to predetermine the outcome of investigations or that unnecessarily place the deceased person in a negative light. Captain Keohane stated that rather than incorporate this recommendation into Department General Order 8.11, the Department is exploring a rewrite of Department General Order 8.09, "Media Relations." He stated that First Amendment Rights are already addressed in this order.

Proposal #5 states the Police Department shall improve dissemination of information to the public by developing and providing written materials that address frequently asked questions about officer-involved shootings or fatal incidents involving San Francisco Police Officers. These materials shall describe the investigative process and the agencies involved in such investigation. It will also contain all relevant general information. Captain Keohane stated that the Department agrees to this request and in that manner, the Department is also looking at creating an officer-involved shooting manual that the officers involved in these cases will follow and that could be provided to the public. Also, the Department will provide to the public a pamphlet that

provide answers to frequently asked questions, and in developing this manual, the Department will go to members of the public who have voiced complaints to find out what their questions are so that the Department can best respond to the questions.

Captain Keohane stated that by adopting these changes to the General Orders, the Department believes that service will be provided with understanding, response with compassion, and performance with integrity.

Commissioner Sparks thanked Captain Keohane for his report and asked that, in the future, it would be very helpful if the Commission has something in front of them to look at. She also asked Captain Keohane if there is a time line in getting the completions done and at least a preliminary draft of the various Department General Orders for the Commission to look at. Captain Keohane stated that he'd like to have it presented to the Commission within four weeks, in written form.

Commissioner Marshall stated that it is important that the Commission have documents in front of them so that things can be pointed out to both the Department and the OCC to move things along.

Commissioner Keane asked for the reason for incorporating the different policy recommendations into different General Orders and asked if it is because the existing regulation encompasses the general area that this new provision would seem to fit. Captain Keohane stated that is correct. Commissioner Keane stated that he is concern that there might be language in the existing provision that would limit, change, or modify in any way any of the particular provisions that the Commission wants to put it and hopes that that is not the case. Commissioner Keane also expressed concern regarding the policy recommendation on members of the Department making statements about the deceased in an officer-involved shooting. Captain Keohane stated that the Commissioner's concerns will be addressed in the order.

Commissioner Renne asked Captain Keohane to get materials to the Commission ahead of time so that they will be able to discuss these things and know exactly what's being changed and what isn't being changed.

Commissioner Chan stated that there should be an explicit date on the Commission agenda regarding these recommendations just to keep it on track.

Commissioner Veronese asked about Media Relations and asked if there is going to be a Public Relations Manual and asked if the Commission could have that material.

Commissioner Sparks asked about release of officers' name after officer-involved shootings and stated that receiving the report after 75 days after the incident is a long time. Commissioner Sparks stated that the Commission should be able to receive some type of information during this process so the family, the public, and the Commission aren't left completely out in the cold and receive no information whatsoever. She asked the Department to consider that in their review of the policies.

PUBLIC COMMENT:

Steve Perry, Outer Mission Residence Association, stated that he is hoping that the public can review the preliminary recommendations to the Commission specially in regards to officer-involved shootings and be able to put their input in writing to the Commission.

Marylon Boyd, Justice of Cammerin Boyd, discussed concerns regarding officer-involved shooting general order. She stated that she didn't hear any mention as to whether or not the liaison would be neutral in the presentation of information to the victims and also in gathering information.

Mary Harris, President of District 11 Council, stated that it was

confusing to the public what was being changed. She went on to read a letter to the Commission regarding releasing of names of officers and stated that she didn't like the word "victim" and that the Commission should use a more appropriate word. She stated that she agrees that changes need to be made but also wants to make sure that the First Amendment Rights of the officers are always taken into consideration and that they don't lose their rights. She thanked Chief Fong and recognized the officers in the Taraval Neighborhood Team.

**b. Review of Recent Activities**

Chief Fong stated that the Department has applied for a School Resource Officer Grant and last week, the Department was notified that it was awarded a grant of over $4 million for 33 school resource officers.

Chief Fong also stated that all of the District Station Captains will be sending out email notices to the public and to the Commission.

Chief Fong went on to describe activities that the Department was involved in and went on to highlight some of the good work done by members of the Department from the different district stations.

Commissioner Chan stated that he was pleased to attend the ceremony for the graduation class 207th. He stated that it was a wonderful ceremony and impressed upon him the warmth of the greater community out there and the enthusiasm of the graduating class. He also asked about staffing for the Department and stated that there is concern regarding adequate staffing for Richmond and Taraval Stations. Chief Fong stated that the Department's minimum staffing level prior to the passage of Proposition C was 1,971 officers. With the passage of Prop C, which is the Civilianization Ordinance, there is a clause in there that says that staffing level can be reduced based upon agreement by the Controller and the Chief and that the reduction of that position to a civilian position would not impact community policing or the ability to provide services to the public. Chief Fong stated that 1,971 is still there in some ways but it really isn't in other ways in that if the Department is bringing in 40 civilians to move 40 officers to the field towards the end of this year, in some ways that number now had decreased by 39 or 40 individuals. With the resources that the Department has, the Department is concerned because after the Vietnam war, there was an influx in personnel. The Department is working on grids to insure that the Department can bring personnel numbers forward so that its not trying to always catch up to put more resources out there so that the Department can have consistent quality training and bring people in at a steady level. The Chief also stated that with people retiring and with that attrition number and knowing that about three years ago when Prop H was on the ballot, people waited until they became 55 to retire, that window is starting to close on the Department and so the Department is going to clearly push to insure that it has those staffing levels that are needed.

Commissioner Renne asked if the sponsors of the bike race provide reimbursement to the Department for police overtime. The Chief stated that, at this point, there has not been reimbursement.

Commissioner Sparks stated that she believes that the Board of Supervisors waived fees for the bicycle race to get it back into San Francisco and last year they waived $300,000 or $350,000 that they waived, and she believes the Board has already waived the fees to put on the race here this year.

Commissioner Renne stated that the Department should keep track of how many officers worked the race and so that next time the Board of Supervisors starts complaining about overtime and how the Department's not meeting the budget, there is notes to be compared.

Commissioner Chan stated that this matter have come up several times

in the past several weeks when these special events have occurred and pretty much the input from the Department has been ignored in terms of its fiscal impact on the budget. He suggests that there should be a clear and consistent approach so that the Department is not placed in the position of having to apologize for overtime budget overruns when these events are clearly outside of its control through no fault of the Command Staff or management of the Department.

PUBLIC COMMENT:

Malaika Parker, Bay Area Police Watch, handed the Commission information that have been released into the Cammerin Boyd incident and she stated that in that information is the summary of the medical examiner's report and discussed concerns about whether or not the Department has been honest in this investigation.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, stated that she agrees with Malaika Parker's comments and asked the Department and the District Attorney's office to place an indictment against the officers who shot her son.

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Kevin Allen, OCC, gave a brief summary of the events that took place this past week. He stated that Amnesty International released their report on racial profiling and it's something that he thinks the Commission should have to take a look at. He also reported that right now, the OCC has about seven cases that are open that are in the eight-month or over. He also stated that the OCC went down from about 107 cases, two months ago, to about 71 right now. He also discussed the OCC statistical report that are currently being put on the website. He also stated that the policy recommendations are also on the website.

Commissioner Chan asked about racial profiling and asked if the OCC have a view point or position as to whether there is a problem of racial profiling in 2004 with respect to the Department. Director Allen stated that when the DGO was adopted, he stated that it was done in response to the public concerns. What has occurred since then, information from the Department as to how many people were stopped and their ethnic background has been sent to the OCC. The OCC is tracking the data now but as it stands now, he doesn't have the information to give the Commission and he thinks that it's something that needs to be looked at.

Chief Fong stated that Dr. Lutz is present if the Commission would like him to speak in regards to Director Allen's presentation.

Dr. Lutz stated that it was a good meeting. He stated that in response to Commissioner Chan's question, he stated that there is a problem everywhere and that it's a major social issue of our time. He stated that it is a legitimate issue and a legitimate concern and he thinks that the Commission should have the report from Amnesty International. He stated that there are many things that can be done that don't involve directly and should not involve directly any impact on patrol or investigative activities of the Department.

PUBLIC COMMENT:

Malaika Parker, Bay Area Police Watch, wanted to comment on racial profiling and stated that there definitely is racial profiling in the San Francisco and suggests that this Commission take initiative to talk to people that live in Bayview Hunter's Point, Fillmore, and the Mission District, and to not just leave it up to Kevin Allen and the Department to define whether or not that's an issue.

**DISCUSSION OF COMMISSIONER KEANE'S PROPOSAL TO REQUIRE ADDITIONAL REPORTING: 1) BY THE OCC ON THE STATUS OF OCC INVESTIGATIONS AND THE CASELOADS OF OCC INVESTIGATORS; AND 2) BY THE CHIEF OF POLICE ON THE STATUS OF MCD INVESTIGATIONS, THE STATUS OF SUSTAINED MCD CASES, AND THE TYPE OF SUSTAINED OCC CASES**

Commissioner Keane stated that this was a resolution that was written by Mr. Schlossberg of the ACLU meeting some of the concerns at it relates to getting data to make sure that the Commission is prepared to set the policies that needs to be set. He stated that he'd like to amend the proposed resolution itself, some of the language of it. He went on to discuss the proposed changes that he would like to make. On the second to the last paragraph on page two, he would like it to read, "Be it further resolved that the Office of Citizen Complaints include in its annual report information on the average caseload of its investigative staff."

Director Allen stated that one of the real concerns was including the names of the investigators. He stated that in their budget, it is included in their performance goals, an average caseload carried by the investigators so they already have that tracked. He also explained that his office has different tiers for investigators and he would like to sit down and talk to Commission Keane, before he amends the language, there may be a way to incorporate what the Commissioner wanted in this section where there could be a list of 17 investigators that would show the different individual weights. Commissioner Keane stated that would be fine. Director Allen further discussed some of his concerns regarding bullet points requested for all pending OCC cases. Commissioner Keane asked Director Allen to go ahead and make the changes to the bullet points and asked that he submit it to the Commission and to Deputy City Attorney Morley.

Commissioner Renne asked Director Allen and the Department to get their comments into the Commission and to Ms. Morley and this item will be scheduled in three weeks.

Commissioner Keane explained that there is already a charter provision that requires that the SFPD give a monthly report on sustained OCC cases but there is really no way of implementing that. It's never been done because there's no mechanism for implementing it. He stated that one of the things that his resolution is attempting to do is to go ahead and implement that and it can be implemented in the Summary Disposition Report. Commissioner Keane stated that there is already a provision for the Summary Disposition Report in an existing MOU with the POA.

Commissioner Renne asked the City Attorney for a memo indicating how any resolutions should be implemented so that everybody is clear with what is being done.

Chief Fong stated that the Department have reviewed the resolution that was submitted by Commissioner Keane and stated that the Department is currently, and have been since the end of 2003, reporting according to the provisions of Administrative Code Chapter 96 on sustained cases that are sent over from the OCC to the Department and the decisions once they're made. Chief Fong stated that it is not written into anything that the Department has and so the plan is to revise Department General Order 2.04 which addresses the OCC and those policies and put it into that. Additionally, the Department have discussed preparing a General Order that is similar to 2.04 but addressing the Management Control areas and in that report, the reporting requirements will be included so that it will be documented and it would be part of Department policy. Chief Fong stated there is one area that she believes the Department should be meeting with the City Attorney, the OCC, and the POA and that has to do with the current summary of OCC findings that's documented in Chapter

96. She stated that currently, that box identifies the sustained allegations that are sustained by the OCC and ultimately that the officer is being disciplined for. The resolution that's submitted encourages the Department to follow the model that the LA Sheriffs Department is following in terms of reporting more specific information about the summary of the findings. She stated that we're at two extremes. We have just the allegations and then we have very detailed information. She'd like to sit together with the OCC, the City Attorney, and the POA to come up with a way that the Department can give more information but not give information to the point that it potentially could violate the rights of an officer. Chief Fong said that she'll have that with the drafts for the Commission in three weeks.

PUBLIC COMMENT:

None

**COMMISSION ANNOUNCEMENTS**

Commissioner Renne announced that on September 22nd, the Commission will be meeting in Room 551, at the Hall of Justice.

Commissioner Veronese congratulated Sergeant Reilly for making it through his first Commission meeting on his own.

Commissioner Chan thanked Deputy Chief Pengel, Commander Craig, and Captain Corriea for the courtesy extended to him upon his visit to the Airport Bureau.

**PUBLIC COMMENT**

Unidentified discussed concerns regarding her neighbors vandalizing the red zone.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Chan would like a report on Department staffing.

Commissioner Sparks would like a report from Legal or MCD on expected release time of the District Attorney's office on the Cammerin Boyd shooting and requested that it be calendared under the Chief's report on where the District Attorney's office is at in their investigation and when the Commission can get additional information.

Commissioner Veronese asked if someone from the OES be invited to give a report on the 911 responses or status on how many calls are left on hold for how long such as it would impede the Department's response time.

Thereafter, the meeting is adjourned at 7:37 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 22, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

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SEP 21 2004

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Update regarding time line of the Cammerin Boyd investigation
   b. Review of recent activities

09-21-04P04:14 RCVD

2. OCC Director's Report (DISCUSSION ONLY)
   a. Review of recent activities

3. Discussion and possible action to authorize the Chief of Police to retroactively apply for, and to accept and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the "COPS-Universal Hiring Program" (ACTION ITEM)

4. Discussion and possible action to authorize the Chief of Police to retroactively apply for, and to accept and expend funds from the U.S. Bureau of Justice Assistance, Office of Justice Programs, to implement the "Gang Resistance Education and Training (G.R.E.A.T.) Program" (ACTION ITEM)

5. Discussion of the Police Department's response to the incident at Thurgood Marshall Academic High School on October 11, 2002 (DISCUSSION ONLY)

6. Commission Announcements (DISCUSSION ONLY)

7. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

***PLEASE NOTE:*** The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Mission District, Sanchez Elementary School, 325 Sanchez Street, between 16th and 17th Streets, at 6:00 p.m., on Wednesday, September 29, 2004, to hear comments from the public and Mission Captain John Goldberg concerning public protections issues in the Mission District.

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**SPECIAL MEETING**
**WEDNESDAY, SEPTEMBER 22, 2004**
**3:00 p.m.**

**Thomas J. Cahill Hall of Justice**
**850 Bryant Street, Room 551**
**San Francisco, California**

Roll Call

1. Demonstration by the Department of the Taser Weapon

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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he proceeding will be held at: City Hall, Room 400
1 Dr Carlton B. Goodlett Place, San Francisco

ccessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness, 5 Fulton, 31 Balboa
or information about MUNI service call 923 6142

he closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**SEPTEMBER 22, 2004** **SPECIAL MEETING**

The San Francisco Police Commission met in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 3:00 p.m., in a Special Meeting.

PRESENT: Commissioners Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Orr-Smith, Chan

Demonstration by the Department of the Taser Weapon.

**SEPTEMBER 22, 2004** **REGULAR MEETING**

The San Francisco Police Commission met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting

PRESENT: Commissioner Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Chan

Commissioner Orr-Smith announced that the Commission did not take public comment on the Taser Demonstration held earlier at the Hall of Justice and that public comment regarding Taser will be heard now during the Regular Meeting.

PUBLIC COMMENT re: Taser Demonstration

Mr. Mark Schlosberg, ACLU, discussed concerns regarding the use of Tasers. He stated that he submitted a letter to the Commission outlining the ACLU's concerns regarding Taser use. He stated that the ACLU does not advocate for an outright ban on Tasers but feel that they should be limited to circumstances where it's a true alternative to deadly force or where there is an imminent threat to human life and urged the Commission to consider the materials submitted to them.

David Grace discussed concerns regarding POST fraudulently using their non-profit status.

Mesha Irizarry, Idriss Stelly Foundation, discussed concerns regarding the use of Tasers. She stated that the foundation feels that it is in excellent alternative against deadly force. However, they also feel that it should be used exactly within that framework, instead of deadly force and not just for containment.

Mona Cadena, Amnesty International, stated that Amnesty International would like to stand in solidarity with the ACLU and the questions that they have put forth. She also stated that Amnesty International would like to recognize that international law, human rights standards, also recognize that under certain circumstances police officers do face situations where they have to use force but when confronted with those situations, international law and human rights standards say that force should not result in death and should not cause permanent injury to the suspect. She further discussed three main concerns of Amnesty International. They are concerned about a pattern they have been documenting in Taser-related deaths in which the medical examiners consistently list the cause of death as heart failure and disease, drug overdose, or positional asphyxia. They asked that Taser use be suspended until there is a comprehensive, independent medical study that can be conducted into the use of Tasers. She also ask, that if law enforcement agencies are going to use the Taser, that public information be provided about the training the officers are receiving for use of Tasers and also the reporting requirements and data-collection procedures for all Taser shootings.

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**CHIEF'S REPORT**

**a. Update regarding time line of the Cammerin Boyd investigation**

Captain Tim Hettrich, Investigations, reported on the Cammerin Boyd investigation. Captain Hettrich stated that in order to give a time line on this particular investigation, an explanation has to be given about what happens with these investigations. He compared the investigation to a puzzle. He stated that there are four parts to the puzzle and each one of this part is a puzzle. One part of the puzzle is the OCC investigation, the other the MCD investigation, one part is the Homicide investigation, and the other part is the District Attorney's investigation. He stated that there is a sharing of information between the four agencies. He stated that the Police Department's part of the puzzle is about 95 percent complete but two weeks ago, another witness came forward. He stated that the puzzle can't be completed as long as witnesses appear. The part that isn't complete for the Police Department is the part that comes from the District Attorney's office. He stated that it's the District Attorney's conclusion whether this shooting was justifiable or not justifiable. That would complete the Police Department's part of the puzzle. Once that is received from the District Attorney's office, it is referred to Deputy Chief Tabak who refers to Chief Fong who then refers it to Management Control. He stated that he assumes that the OCC should be at least 80 or 90 percent done with their investigation.

Commissioner Sparks asked if it is typical for this puzzle to take six or nine months. Captain Hettrich explained that when you have multiple witnesses, some parts of the puzzle are sometimes never completed because a witness may come forward at the end of five years or six years. He explained that there is a lot of witnesses in this case. He stated that the Department's part of the puzzle are complete and ready in draft form and that the Department is just waiting for the District Attorney to produce their findings and that he had spoken to Lt. Hennessy, Homicide Unit, and that Lt. Hennessy hopes that within three to six weeks the District Attorney's office will have their findings back to the Department.

**b. Review of recent events**

Chief Fong gave a brief update regarding activities that the Department has been involved in.

Chief Fong talked about the Air Crash Exercise that the Department was involved in. She stated that this is an annual drill that's held at SF International Airport and is also required by the FAA. She stated that this is an opportunity for the SFPD to prepare for a potential air crash situation.

Chief Fong further discussed the certification of the SFPD Crime Lab. Chief Fong stated that the last week the American Society of Crime Laboratory accreditation staff were out at the Crime Lab. They conducted an exhaustive audit for over four days and there were 121 separate compliance issues that had to be addressed. The Department and the Crime Lab came through the process with a 92 percent rating. There are a few minor procedural modifications that have to be addressed prior to October and then the Crime Lab will be accredited for the first time in a number of years.

Chief Fong further discussed activities in the Investigations and Field Operations Bureau that happened during the past week.

Commissioner Veronese asked about calls put on hold by 911 specifically in regard to an incident that happened at Pac Bell Park. He asked if the 911 calls from a cell phone go to CHP. Chief Fong stated that it no longer does and that cell phone 911 calls will go to the ECD dispatch center on Turk Street. Chief Fong stated that in regards to that particular incident, she had reviewed the CAD report and stated that response was there within two minutes. Chief Fong also stated that she will have Director Cunnie or a representative from ECD make a presentation to the Commission.

Commissioner Marshall commended the Department for the good work done in the past weeks specially in drug and gun seizures.

Commissioner Orr-Smith asked about identity theft incidents. Chief Fong explained that identity theft is more frequent now and stated that when the Department knows about these matters the Department will follow-up immediately.

Commissioner Veronese asked about Chief Sanders' legal fees. Deputy City Attorney Morley stated that she'll talk to Commissioner Veronese about that issue.

PUBLIC COMMENT:

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding the Captain's report and asked where is the independent investigation and why is it that the District Attorney's decision to determine whether or not it is justified and stated that she is entitled to a more complete information.

Malaika Parker, Bay Area Police Watch, discussed Tasers and the Cammerin Boyd case and asked the Commissioners to look at the letter she just handed them.

**OCC DIRECTOR'S REPORT**

a. **Review of recent activities**

Director Allen thanked the Commission and the presenters of the Tasers for allowing the OCC to be present for the demonstration. He stated that his office has been tracking Taser use and asked that if the Department will have a training on Tasers that the OCC be invited and if the Commission would like to the OCC to make a proposal, his office would do a proposal and a policy recommendation as well.

Director Allen stated that the OCC was invited to travel to Russia to speak about Civilian Oversight. He explained that the Russian Police Department has had an on-going program where they work with the judges and prosecutors and the Department on how to handle hate crimes and they've asked the OCC to speak on Civilian Oversight and the effects it's had in the City and across the United States. He stated that a representative from his office will be leaving on Friday for a week's trip to St. Petersberg.

Commissioner Keane congratulated Director Allen for the invitation.

Commissioner Sparks asked Director Allen if the OCC would develop a policy recommendation on the use of a new weapon considered by the Police Department. Director Allen stated this is something that his office has been tracking, and if the Commission would like his office to develop a recommendation, this is something that his office has been tracking because of all the incidents that has been happening across the United States.

PUBLIC COMMENT:

None

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE "COPS-UNIVERSAL HIRING PROGRAM"**

Captain Lynch, Fiscal Division, explained the grant.

Commissioner Marshall asked how many offices will be hired under this grant. Captain Lynch stated that 50 officers will be hired.

Commissioner Sparks asked how this grant will be handled in the budget and would it just become part of the general cost of the budget. Captain Lynch stated that there are two options and the Department is looking at the first option and that there is no impact on the current fiscal year and that the majority of the impact in the second fiscal year will be absorbed by the grant with a small amount of matching by the general fund and then on the third and fourth year, it will be 100 percent on the general fund.

PUBLIC COMMENT:

Peter, San Francisco Youth Commission, discussed concerns regarding the SRO program.

Motion by Commissioner Veronese, second by Commissioner Marshall. Approved 5-0.

**RESOLUTION NO. 88-04**

**APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE "COPS-UNIVERSAL HIRING PROGRAM"**

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to retroactively apply for and to accept and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the "Cops-Universal Hiring Program," including any augmentations, extensions, and modifications.

AYES: Commissioners Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Chan

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, TO IMPLEMENT THE "GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) PROGRAM"**

Lieutenant Fatooh, School Resource Program, explained the grant program.

PUBLIC COMMENT:

Unidentified, Youth Commission, asked the Commission to postpone this action item so that the Youth Commission can review this grant program.

Marylon Boyd asked that more constructive activities be done towards alternatives to violence.

Alison, teacher, discussed concerns with police officers acting as teachers and counselors teaching about gang resistance.

Anthony Peebles stated that he didn't know about this and that is sounds out of the norm and stated that the grant should be to get more teachers into the classroom.

Motion by Commissioner Marshall, second by Commissioner Keane. Approved 5-0.

**RESOLUTION NO. 89-04**

**APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE U.S. BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS TO IMPLEMENT THE "GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) PROGRAM"**

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to retroactively apply for and to accept and expend funds from the U.S. Bureau of Justice Assistance, Office of Justice Programs to implement the "Gang Resistance Education and Training (G.R.E.A.T.) Program," including any augmentations, extensions, and modifications.

AYES: Commissioners Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioners Renne, Chan

**DISCUSSION OF THE POLICE DEPARTMENT'S RESPONSE TO THE INCIDENT AT THURGOOD MARSHALL ACADEMY HIGH SCHOOL ON OCTOBER 11, 2002**

Commissioner Orr-Smith explained that this is a continuation item from the previous hearing. She stated that the first hearing was held during the summer and it was brought to the Commission's attention that people may have been on vacation. She stated that after public testimony is concluded, the Commission requested that a video tape be shown and reviewed by the Commission.

Commissioner Marshall asked to be excused as he was part of the Task Force that investigated this incident.

Motion by Commissioner Keane, second by Commissioner Veronese. Approved 4-0.

PUBLIC COMMENT:

Francesca Moeffis, attended Thurgood Marshall when the incident occurred, stated that this incident happened in her sophomore year. She stated that she doesn't go to school expecting an incident like that to happen. She stated that she saw a lot of police brutality towards other students.

Anthony Peebles stated that what happened that day still affects him as an educator. He read a letter that was written by him and a student.

Marcella Garcia stated that she was a senior at Thurgood Marshall when this incident occurred. She stated that images that happened on October 11th are hard to erase.

Nadeen Zeltser, parent, thanked the Commission for hearing the issue and stated that changes needs to be done. She stated that what happened was excessive and unacceptable. She asked that somebody look at the situation in the schools so that this doesn't happen again.

Jeff Adachi, Public Defender of San Francisco, thanked the Commission for the opportunity to address this issue. He commended all the people and organizations who stayed with this issue for two years. He stated that this hearing is two years too late. He stated that he received a phone call from a group of teachers asking him to represent Anthony Peeples, a teacher who has been arrested in the incident. He stated that he interviewed teachers, parents, students, and other people who are connected with this incident. He stated that he became convinced that this incident was outrageous and that there was racism involved. He stated that an MOU is needed between the school district and the Police Department. He stated that the only solution is that everyone should come to grips with the reality that calling the police

should be the last alternative and that a subcommittee be formed to make recommendations to the Commission to insure that what happened docs not happen again.

Jodie Zappas, worked at Thurgood Marshall, stated that she's never seen anything like what she saw that day at Thurgood Marshall. She stated that she saw a police officer with a gun pointed at a student with his back against the lockers. She stated she rushed to the student and was told to back off. She stated students were handcuffed, arrested in the office, in the hallways, and several students were taken away and detained but not charged. She stated that around 11:00 o'clock there was a directive from the School District to release all the students and have them go home. She stated that students were terrified and scared and there were over 80 officers there and helicopters overhead and there were people in SWAT uniforms, helmets and batons, brutalizing the students. She stated that parents were trying to help because parents could not find their kids and kids could not get home. She stated that what happened that day was excessive.

Jeremiah Jeffries, representing Teachers for Change, stated that there is a criminal and youth predatory element in the San Francisco Police Department. He discussed concerns about the incompetence of the OCC. He stated that it is the Commission's job to hold the officers accountable.

Derreck Toliver, Thurgood Marshall School Safety Committee, stated the they have not received a police report regarding this incident. He stated that there was no communication with the teachers in order for the teachers to know what to do with the students. He discussed concerns about an honor student having a gun pulled to his head and stated that they have not heard an explanation from the Department why that was done.

Ruth, teacher at Thurgood Marshall, talked about an incident that happened after the October 11th and how the attitude of officers toward Thurgood Marshall students may have been the reason why this incident happened. She stated that students at Thurgood Marshall are not animals.

Linda Wells, teacher at Thurgood Marshall, discussed the after effect of that day. She stated she saw a parent beaten. She saw people in riot gear. She stated that they had a school that was a safe place and after the incident, many of the kids did not feel the school was safe and they didn't want to be there. She asked that when the Commission thinks about making a policy, that the Commission think about the fact that 1000 children's lives are impacted.

Kelly Welch, Board of ACLU's San Francisco Chapter, believes that money can be better spent in school counselors rather than police. She stated that it's disgraceful that students were treated this way and that nothing has been done about it for two years. She urged that the Police Commission should publically apologize to the students and parents of Thurgood Marshall.

Peter, Youth Commission, stated that he's tired of these meetings but he will keep showing up until new policies are made, until all those who participated are held accountable, and until apologies are made. He stated that he does not see any member of the School District and that angers him. He stated that this issue must be resolved soon.

Howard Blanski, Unified School District Social Worker, stated that he was not asked by the School District to attend the meeting but came because he works closely with the SRO Program since its inception. He stated that he works with different agencies to support the students and to develop them as positive citizens. He stated that his concern tonight he that people are using the Thurgood Marshall incident to negate the benefit of the SRO Program and stated that he thinks that would be a big injustice because he worked closely with the officers and he feels that it is very important to have the officers as part of the supportive team in the schools.

Joan Hepperly, Principal of John O'Connell High School. She stated that she was not at Marshall during the incident. She stated that for eight years, she's been one of the long-standing principals to work with the SRO program and see how much this helped her have a safe environment. She stated that it is critical but what has to be in place is that site administrators and resource officers develop a partnership that works to help respect the child and create a

safe child environment. She stated that the officers have to be partners with them. She stated that it takes a certain individual to be an SRO.

Gladys Roches, at Thurgood when incident happened. She wanted to speak on the reputation of the school and stated that if you look at the statistics of Thurgood Marshall prior to this incident, there are a lot of students that was sent to great universities such as UC Berkeley. She stated Thurgood Marshall was known for this and that it was a place for academic learning and it was a safe haven for students who are minorities. She stated that she saw Mr. Peeples arrested.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding racial profiling in San Francisco. She stated that this is an example of racial profiling, not only because of the incident, but the way the Department responded to the incident. She asked that the Commission takes a good look on how things can be done differently and how the OCC can do things differently. She stated that an officer that breaks the law needs to held accountable for his actions and it's the Department's and the OCC's duty to make sure that that happens.

Meesha Lee, Teacher in Unified School District, stated she was not at Thurgood Marshall when the incident occurred. She stated that when she returned it was a different place and that there was a complete change in people's trust, of what a school is about, what community protection is all about and that trust in safety has been completely destroyed. She stated that the students' lives were heavily damaged by this incident. She also stated that she conducted an informal survey and in that survey, 60 percent of students said they witnessed acts of police brutality and misconduct; 80 percent of students said that the police singled out students of particular race to harass and arrest; 80 percent said that they felt the media distorted what was going on at Thurgood Marshall; 67 percent said that they did not feel safe nor comfortable with the school resource officer.

Mark Schlosberg, ACLU, thanked the Commission for having this hearing. He stated that there needs to be action in response to what happened, action to address this issue to make sure that something like this does not happen again in the future. He asked the Commission to look at recommendations, submitted by Coleman Advocates, to police changes to police policy with regard to schools. He stated the ACLU supports these recommendations. He also discussed concerns regarding the OCC policy recommendations not being submitted earlier.

*The Commission recessed and returned.*

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding witnesses coming forward and reopening of cases. She also asked for an apology to the people who were harmed by this incident and asked that officers be held accountable.

Shed Alcara, did not attend Thurgood Marshall, Coleman Advocates, stated that what occurred on 10/11 was a great injustice. He stated that someone made a mistake and someone should acknowledge that.

Lasalle Syray, teacher at Thurgood Marshall at the time of the incident, stated that she support everything that was said in support of the students. She brought pictures drawn by the students after the Thurgood Marshall incident.

Meesha Irizary, Idriss Stelley Foundation, stated that she's on the 10th week of the Police Academy's Citizen Training. She stated that she felt it was important to take the training to understand the Department's organizational culture and hopes that it will create bridges towards change.

Javier performed a piece of poetry.

Maxwell, Chair SF Youth Commission, asked the Commission to bring justice to the youths of Bayview Hunter's Point.

Kimshri Moeffis stated that after listening to the testimony, she wanted to tell the Commission how important it is that the Commission understand that the young people in this City are actually waiting and watching this. She stated that the first speaker is her daughter and her daughter has spoken to the

prior Commission but they did not listen to her. She asked the Department to find some way to work with the community to repair the damage that has been done. She also acknowledged Mark Sanchez for being with the Thurgood Marshall community from the very beginning.

Aioka Turner, SF Youth Commission, stated that justice delayed will never be justice denied in this situation. She stated that there was fault that day and no apology has been made.

Natasha stated she wanted to film the hearing because it shows the community's passion to fight for the youth that have a voice but are constantly ignored. She stated that she knows good cops and good SROs but there is always an alternative route that are less violent.

Tanya Lee, Coleman Advocates for Children and Youth, asked that the report released by Coleman Advocates be distributed to the Commission. She summarized the report for the Commission. She also read the recommendations made by the Coleman Advocates.

Sylvester Polard stated these kids are the next officers of San Francisco and they are going to run San Francisco.

At this time, the Commission viewed three video tapes (approximately 53 minutes long).

Lieutenant Fatooh explained that after the Thurgood Marshall incident, Mayor Brown and Superintendent Ackerman formed the San Francisco School Safety Committee. The Committee was charged with assessing safety issues in the San Francisco Unified School District schools and the surrounding community and developing recommendations to address these safety concerns. The committee included San Francisco Unified School District, the Mayor's Office of Criminal Justice, the San Francisco Police Department, the SF Juvenile Probation Department, MUNI, the Gang-Free Initiatives community, and the San Francisco District Attorney's Office. There was also a Community Task Force that was formed that included people from the community, school site people, and different advocacy groups. These committees had a list of recommendations that was brought forward to the Police Department and to the School District.

Lieutenant Fattooh then went over the different goals and recommendations and what the San Francisco Police Department has done since that time and what the Department is continuing to do through out the city and the community.

Commissioner Veronese asked if there has been a test done in regards to the safety programs. Lieutenant Fatooh stated that they are doing more preventative measures rather than what's going to happen as an after effect. She stated that everybody is more aware at this time and that prevention is what they are working on. She stated that the SROs are trained on de-escalating conflicts and the SRO staff are also training school staffs on how to de-escalate student conflicts. Commissioner Veronese asked how are students being helped to get some sort of closure. Lieutenant Fatooh stated that from the Police Department's part, they meet with various groups to see what they think would help make schools safer.

Commissioner Orr-Smith stated that the report from Coleman Advocates and the Best Practice Report from the OCC were just received by the Commission. She stated that she's glad that the Department is looking at ways to deploy incrementally. Commissioner Orr-Smith also stated that everything that could possibly go wrong went wrong that day and that she regrets that that was the circumstance and an experience for the students, for the school, and for the City, and that she appreciate that protocols and interdepartmental relationships do take a lot of negotiating and stated that looking at an incremental response affords the Department to work closely with the school districts on police affairs. Lieutenant Fatooh stated that certain

things are in place now that had never been in place before.

Commissioner Keane made a statement: "Good evening. As the way of tacking this on to the last evening, this has been very revealing, I think, for all of us – for the Department, for certainly the Commission, for people who were watching this – and I want to start off with a couple of things. One, I was struck by one of the statements that was made by one of the young man who was talking at the community meeting and I wrote it down and where he says "the whole situation was over a fight that should have been resolved." And I think about ten years ago when my daughter – one of my daughters who was attending Lowell High School – and I remember one day going out there to pick her up, and there was a very fine SRO out there who did a great job. And at that time, when I went out that afternoon, there was a fight out there too. And there was – it was a very serious fight in which a kid, like here, hit another kid with a pipe, broke open the kid's head. And that whole thing was resolved by that one SRO and one squad car, which we all watched come out and resolved the whole thing, take the boy away who had hit the other kid with the pipe. And I look at these videos and I see all of those police officers in the hallways of that school and I try and envision seeing all those police officers in the hallways of Lowell High School when my kid was there. It's inconceivable to me or to see in the corridors of Lowell High School today. And one of the things that clearly comes to mind and one of the things that clearly is a legitimate concern for the community, certainly for an African-American community in Bayview, seeing an African-American school is occupied by police officers is the idea that somehow we're being treated differently. And I certainly see it as somehow that school being treated differently because I couldn't imagine that happening out at Lowell.

Racism comes in many ways. Often times it's not conscious. It doesn't have to be malicious but it's there, and it's hard to look at that experience and see what we saw and see and not say there's something different going here. And it appears to be something different. The only angle that I can see – well there are other angles, obviously – but probably a big angle is some sort of racism. Unconscious, I don't think so, but it's there and it's something that was the cause of this community, the Bayview community and the people and the students in that school, to feel the kind of anger and outrage that they did.

I think if I were at my daughter's, out at Lowell when my daughter was going there, and I saw that many police officers in the corridors of that school and I saw the students being upset, I would have done exactly what Mr. Peabody would have done and did, had done. And we look at him and you can make mistakes well, he's acting like a jerk. He's using the F-word. He's running around. He's real upset, but he's upset over what he's seeing happening to his students and he's upset for an understandable reason.

Everything we hear about him is that he's a good teacher. He's a sensitive teacher, and he's a teacher who was very much beloved, and that's part of the loss to the community and to that school that he's not there as a result of it.

And the other things that we've heard from all of the students, the parents, the teachers, people in that community is that there was a sense of that school being violated and there was a sense of something that should be a very safe place, that has to be a very safe place, a school, that that was lost that day.

And I know it's it's – you can't compare the two incidents because the other is so heinous by comparison but I think of this and I think of what happened in the school in Southern Russia a few weeks ago. There's no comparison, I mean, people being killed and the horrible things that are happening there, but I've had thoughts how can those kids ever go back to school, the kids who were involved in that.

So, it's not on the same level but you can feel the same aspect, the same type of response in terms of the kids who were at this school that was occupied by all of the police. They saw things that they didn't like. They saw friends hurt. A gun was drawn. These kids feeling secure in their school, in their educational environment, that was taken from them that day. So great harm

was done to the community that day and to the school and to the kids.

I think a lot of the blame for the whole matter of this continuing to fester and it not being addressed is the Police Commission's fault, the former Police Commission. I know it's easy for us to point fingers, and I'm pointing a finger because they should have gone ahead and shown more concern. I think the Department has shown a lot of concern. You know they may not – they get involve in terms of egos. They were saying "well, we were doing the right thing." "We were doing what we had to do." "We were doing what we're taught to do." But you heard what Lt. Fatooh has reported and those are some remarkable and some good responses in looking at this and taking a lesson out of it. And she's right also, Lt. Fatooh, when she says well, the OCC is investigating it, but she's not right when she says well, the Police Commission, they can only do something if the OCC brings it to them. That's not true. We did this. We, this Commission, got to set in motion when we got the letter from Mr. Sanchez – who I think is to be commended for getting us going – and I commend him.

And earlier, the first speaker, she made a point of asking that people stand who thought this was wrong and that a great harm had been done to Thurgood Marshall and the people of Thurgood Marshall, and the people in the audience stand. I don't do this for any kind of dramatic effect but I want to stand too.

The last time we were here, our Vice President apologized to the community. I want to apologize to you as well. I think this Commission owes you a great apology and I would move, Madame Vice President, on behalf that we, on behalf of the Commission, Commission formally approve a motion to apologize to Thurgood Marshall, to the students, to the parents, to the teachers, and show in that resolution say that we resolved that this is never going to happen on our city again."

Commissioner Orr-Smith asked for a second.

Commissioner Veronese stated that this item is up for discussion only and is not an action item.

Commissioner Keane asked that this be calendared for a motion in next week's meeting.

Commissioner Orr-Smith then made the following statement: "Thank you, Commissioner Keane.

As the Commissioner said, when we called this action, this new Commission was formed under the new proposition and it has been my pleasure and privilege to acknowledge that all of us have taken that oath very seriously in terms of being responsive, and we did call this item because we knew that this was a huge omission for the Commission in terms of its role. And what we'd like in this process is to have this airing, which is why we've held this hearings, and we'll continue to examine policy, because we want to make a difference for the community, for the students, as well as for the police officers in this Department as well.

The absence of an appropriate protocol for them to respond to and to work within without the inter-departmental relationships that should have existed that are now being formed contributed greatly to this horrible and regrettable situation. And you're absolutely right, no child should ever have to experience this and we're going to be as faithful stewards as we could possibly be in terms of making sure, for the sake of the community, the schools, the Department, and the City and County of San Francisco, that this just doesn't happen. We're a city of compassion. We're an organization of responsible people and we look to serve – the motto of the Department is to serve and protect, and this Commission takes that charge very seriously.

So I think what is in order for us now, given the new documents of policy that we received as well, would be to take these under advisement at this point and what we've seen today and this additional testimony and schedule a

date certain for the continuation of this. We would like to have the input of the Department relative to the policy initiatives that are currently under way that Lt. Fatooh alluded to and then the appropriation of the OCC's recommendations, Coleman Advocates, and any more that would come to our attention as well. This is not a closed issue. There is more to come.

And I just want to acknowledge and thank you again for coming and sharing so generously – I know this has been a painful process. You've been sitting on these wounds for two years, two years too long, but we are doing our best to arrive at some conclusion that represents your input that takes into consideration what you've heard and that would allow us to provide a leadership and support for the Department to do its job the way I know they'd want to do it with respect to schools and public safety, period."

Commissioner Sparks made the following statement: "I, too, would like to thank Commissioner Sanchez for being here and for being here last time and for his leadership in this. I think this has been a difficult issue for many months and, I think, he, for one, has been on top of it and has been a steward of it and I think you, as much as anyone, is to thank for the proceedings that are going on here.

I'll run the risk of dating myself here, although it's probably pretty evident. I was in school, in college, in the early 70s in the Midwest and it was during the Vietnam war, and I actually experienced a similar kind of incident in a over a lunch time, there was a demonstration against the war, and at that time the State Police was brought in, the City Police was brought in, the County Police was brought it and it was a very very ugly affair, very ugly affair. Thirty years later I still feel some of those emotions that I felt that day.

I'm really really sorry that these children, that these kids, had to experience such an incident because it's something that they won't forget easily. It's something no matter how much healing happens that they'll still recall 10, 15, 20 years from now and that's a very very sad state of affairs.

I agree with Commissioner Keane and Commissioner Orr-Smith. I wholeheartedly will support a formal apology from the Commission. I, myself, would like to offer just a personal apology tonight to the parents, to the students, to the administrators, to the school board for this Commission not having responded quicker and for the incident itself happening.

I'm hoping that the Director and the Chief, but particularly the Director will take his recommendations which we just saw very recently meet with Coleman Advocates and incorporate their recommendations because just at first glance it looked very similar to some of yours. Incorporate them and develop a policy for response. I know we wanted to try to do everything as Lt. Fatooh says to keep the violence from happening but I think the world being what it is, at some point an incident like may occur again and I want to make sure this time when it occurs that we have an appropriate response.

We cannot treat children like any other type of crowd control incident, and I think many times, looking at as over these last two sessions transpired, it looked to me like possibly this incident was being treated much less any other crowd control and I don't think it can be handled the same way.

So I just want to thank again everyone who came here today and some of the people who came here for the second time and some of the people who have commented to us on various issues several times. I think it very difficult, it was very emotional and I just want to thank everyone, particularly the young people that came, because this is a very difficult thing. This is obviously a very significant event in their life and to be dragged it up two times, drag it more than once is very difficult and I just want to thank everybody."

Commissioner Veronese made the following statement: "I as well want to thank everybody for coming. I know it's not easy to keep repeating things in front of different people and spilling your heart out to the public but it is also very essential in helping us do what we do and obviously to help the Police Department do what they do.

It's pretty clear by this incident and everything that's happened since

that the system at the time had failed these children and that's a terrible thing and my one hope – well, there are a couple hopes I have – one is that this incident, the good thing that has come out of this incident is that the Police Department and the Police Commission and the School District and the other parties that were involved, that are involved in making up this MOU have definitely learned a lesson by this.

I also have a lot of hope in one of the things that a gentlemen said earlier is that these kids, and it's just a matter of time, will be Commissioners one day, they'll be Supervisors, they'll be Mayors, and they'll be able to bring those experiences that they got like, much like the experiences we got in school in growing up, into their perspectives as they sit on Commissions and Boards and elective positions. So I'm very much encouraged that things are changing. I have a ton of respect for the current administration and I know that things are being addressed to change the way things were in the past and I also have a lot of confidence that this type of thing, incident, won't happen again.

That being said, I look forward to a final resolution of this MOU, of getting these officers trained that deal with children, not trained officers that deal with riots, into these schools so that they can become friends and mentors much like we have seen with the teachers that have been here today.

I hope that the way the MOU is written has the participation of the actual students, the people that are carrying the pain, the teachers, so that when these things happen their perspective is added into the solution.

Other than that, I just want, again, thank everybody for being here and thank the School District for bringing this to our attention giving us the opportunity to at least address this. Thank you."

**COMMISSION ANNOUNCEMENTS**

Sergeant Reilly announced that the next community meeting will be held on September 29th, at Sanchez Elementary School, 325 Sanchez Street.

PUBLIC COMMENT:
None

**PUBLIC COMMENT**

Unidentified would like to say some positive things and stated the Department is doing a good job with monitoring the 16th and Mission and South Van Ness areas with motorcycle officers. He also thanked the Taxi Detail for having an officer out at the ball park dealing with limousines and taxi cabs. He also complained about an officer at Richmond Station.

Odie Douglas, community worker, discussed concerns about an individual who attacked her not being arrested.

Sayed, taxicab driver for Metro Taxi in San Francisco, stated he was involved in an incident where he was assaulted by passengers. He stated that police was dispatched to the scene but the officer cited him for theft and that the officer lied on the police report.

Steve Johnson, POA, commended Lt. Fatooh for doing an outstanding job. He also stated that he was disappointed with the Commission for alleging that what happened at Thurgood Marshall was a racist act and stated that that is outrageous and irresponsible. He stated that it shows that the Commission did not get the facts. He discussed concerns in regards to Jeff Adachi's comments.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Orr-Smith asked for a report on how identity theft incidents are handled.

Commissioner Chan apologized for coming in late. He asked for

additional information in regards to Asian-Immigrants being targeted by strong arm robberies.

Thereafter the meeting was adjourned at 10:39 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 29, 2004**
**6:00 p.m.**

**MISSION DISTRICT**
**Sanchez Elementary School**
**325 Sanchez Street (Between 16th & 17th Streets)**
**San Francisco, California**

Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)

4. Captain John Goldberg, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

5. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

6. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

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# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 29, 2004**
**6:00 p.m.**

**MISSION DISTRICT**
**Sanchez Elementary School**
**325 Sanchez Street (Between 16th & 17th Streets)**
**San Francisco, California**

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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# SAN FRANCISCO POLICE
# PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: Sanchez Elementary School, 325 Sanchez Street, San Francisco

Accessible MUNI lines serving this location is: #37 line, F line, K, L, M Line

For information about MUNI service call 923 6142

The closest BART Station is: 16th and Mission Station

**Accessible parking** Sanchez schoolyard

**For information about the meeting call** 553-1667 **(v) or** 553-9194 **(tty)**

# San Francisco Police Commission

## Meeting in the Mission District

*Come and meet your Police Commissioners! This is an opportunity for citizens of the Mission District to address the Police Commission on matters of interest and concern.*

| | |
|---|---|
| Hosted by: | Mission Police Station |
| Where: | Sanchez Elementary School<br>325 Sanchez St. (Between 16th and 17th St.) |
| When: | Wednesday, September 29, 2004 at 6 PM |

- Free parking available in the Sanchez schoolyard.
- An accessible entrance is located on Sanchez Street, near 17th Street.

The Police Commission of the City and County of San Francisco met in the Mission District, Sanchez Elementary School, 325 Sanchez Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

Commissioner Renne thanked Captain Goldberg for having the Commission in the Mission District.

**CHIEF'S REPORT**

**a. Review of Recent Activities**

Chief Fong introduced the members of the Command Staff: Deputy Chiefs Pengel, Suhr, Parra, and Commanders Craig, Shinn, Puccinelli, and Harper were present.

Chief Fong also stated that there will be a presentation by Alexandra Villa, Sr. Clubhouse Director of the Columbia Park Boys and Girls Club. Ms. Villa will make a presentation about the collaboration between Mission Station and the Boys and Girls Club.

Ms. Alexandra Villa explained that the Boys and Girls clubs, their duties and functions and they are in eight neighborhood in the city where it is needed the most. She stated that they are the oldest organization in the Mission, 110 years and going. She showed a video as part of her presentation. She thanked Deputy Chief Suhr for his support in the organization. She also thanked the POA, Captain Corrales and Chief Suhr for their donation in helping send kids to camp. She also recognized Officer Steve Thoma for all his help.

Chief Fong made the following statement: "Commissioners, I would like to leave you with a few words this evening in concluding my comments. It has been said that working as a police officer is one of the most complex jobs in American society. Add to that, the intricacies of working in the City and County of San Francisco, and it should be clear that our occupation is highly challenging and yet also highly rewarding.

I understand the realities that face the members of this Department. Thousands of calls and hundreds of investigations are handled on a daily basis by the men and women of the San Francisco Police Department. This is what we are trained to do. This is what we are expected to do and this is what we will continue to do and do to the best of our ability.

I also appreciate how our actions are often times the subject of public scrutiny. This is appropriate and necessary. We are committed to improving the way that we work. We are constantly seeking new ways to improve our community partnerships and we welcome constructive criticisms from all quarters. We do not invite or endorse, however, comments that paint the actions of our officers with a broad brush. Those kinds of generalities are neither accurate nor are they productive to the dialogue that we wish to maintain with all groups. I also cannot see any reason to draw a parallel with the tragic terrorists takeover of a Russian school in which hundreds of innocent children were killed. Such an analogy, whatever the motivation, is offensive and without foundation.

I must, however, tell you that I and many other members of the Police Department have been personally affected and troubled by these recent remarks. Although we take exception to the remarks that were made, the officers of this Department will not stop doing their job. We are not throwing in the towel. Be assured though that we will not be distracted from our

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obligations by words that are best unfounded and ill-considered. I'm confident that the high quality of work done by the members of this Department will continue. Our commitment to working cooperatively with the Police Commission, the Office of Citizen Complaints, and each and every community remains strong. We will continue to do our job in a manner that is professional, exemplary, and free from any hint of bias, intolerance, or prejudice. We cannot afford to let controversial statements interfere with the critical services that we provide to the people of the City and County of San Francisco.

Let me state clearly that the officers of this Department take their duty with the utmost seriousness. Let there be no doubt that we will not shirk our responsibility to answer when called. We will not shrink from danger or uncertainty. We will not – excuse me – we will continue to protect those who are most in need. The dedication of San Francisco Police Officers to the highest standards of conduct remains and is unwavering. Whatever remarks have been made about us and our character, our mission remains the same. We intend to hold fast to our solemn oath to serve and protect the people of this great City."

Commissioner Renne thanked Chief Fong for her remarks. She also announced that Supervisor Tom Amianno is present.

Commissioner Keane made the following statement: "If I had stated that I believed that the members of the San Francisco Police Department were racists or that they acted in a racist way at the Thurgood Marshall School, I would indeed owe you and the City and County of San Francisco an apology and I would also owe you my resignation. I did not say that. If I had stated that the activities of the San Francisco Police Officers at Thurgood Marshall was similar to the activities of the people who took over a Russian school, I would owe you and the people of San Francisco an apology and I would also owe you my resignation. I did not say that.

My remarks have been totally twisted and distorted for the purpose of – I'll leave the purposes to all of you to – but I'll tell you what I did say and I'll let you be the judge and then I'll talk about a couple of things regarding some of the things that have been said about my remarks over the course of the last few weeks.

For two weeks, for two different sessions, we, the members of the Commission listened to testimony from students, from staff, from parents from Thurgood Marshall about an incident that happened two years ago and in my opinion, the Police Commission should have looked into two years ago and aired at the time and was derelict to our community in not looking into it. We gave a full hearing to the students, to the teachers, to the staff, to the parents, to everyone else who wanted to discuss what happened at Thurgood Marshall.

We listened to an incident in which two students got into a fight and we heard and we watched the video tape of close to a hundred officers coming through Thurgood Marshall School, going and occupying the hallways of the school, and sending out from their school all of the students of Thurgood Marshall at 11:00 o'clock in the morning, 14, 15, 16 year old students out into the streets, driving them from the school, using, in effect, the kind of crowd control tactics that we would expect in regard to some of the major incidents that we see to get these young men and women, these children out of Thurgood Marshall.

We then listened to – well, my remarks were I recall my daughter at Lowell High School in the western part of the City, and I recall a fight there one day in which one young man in fact split open another student's head with a club from a steering wheel. That was handled by one SRO and a squad car. My remarks were that it was inconceivable to me – and I think everyone in that audience – that that kind of response that was happening at Thurgood Marshall would happen at Lowell High School or to a high school in the western part of the city. And the people who were raising the questions of whether or not racism indeed is an issue or may have been an issue in regard to the totality of

that approach, one could not shrug off those observations.

I said that racism in our society is subtle. It can be unconscious. It's there and we have to look at it and we have to admit it and we have to look into our own hearts no matter what we do. I know I myself as a 61 year old person having grown up in this country and trying as best I can to make sure that racism is not part of my life. I know it's there. I know I slip into it. I know all of us do. And I think we have to confront it honestly as a factor and not twist it and say that Peter Keane said all of the police who responded that day were racists and they're involved in racists factions because I did not say that and now I put it in context.

In regard to the other remark that I said, I talked about the fact that in listening to the children who had been at Thurgood Marshall, who talked of the great pride that they had in their school, and how these are kids from a hard scrabble community in Bayview and it was the one place of refuge that they had in life to find an education, to get out of their circumstances, is a place of safety, it was a place that they had great love for. And they were talking about how their feeling of safety – these were the students telling us this – those were gone. Their feelings now were feelings of fear about their school and they had lost something very precious in their lives because of that. And I said that clearly I am not at all comparing the two incidents in terms of the terrible heinousness of what happened in Southern Russia, but in listening and watching television and watching and listening to the comments of the children from the school in Southern Russia, I was struck by the dramatic and sad fact that many of the things that they were saying were the things that those students told us that they felt about their experience after having come in to Thurgood Marshall, after having had that incident at Thurgood Marshall.

That's what I said. Since that time and over the course of the last few days, there are members of the organization, for whatever purposes – you know the politics of your organization, I don't. You know what the motivations may be as to what's going on – who took those remarks which I have just told you and said Keane said the officers, all the officers who went there were racists. All the officers of the San Francisco Police Department were racists and Keane said that those police who went there acted like the terrorists who went to Russia.

You are mature professionals. You should not allow yourselves, and I don't think you will because I have great respect for all of you, to be manipulated by – to be manipulated by whatever motivations people might have in going ahead and casting those remarks in that way. Whether they be people running for political office in our town or people doing other things politically within the San Francisco Police Department. I call upon you to be professional. I call upon you to be discriminating and I call upon you to go ahead and act with the kind of judgment that I know you do have.

I worked with the San Francisco Police Department in the Criminal Justice System for 30 years. I have tremendous respect for the members of the San Francisco Police Department. I have enormous respect for their professionalism, for their service to San Francisco, and to their judgment. I serve on this Police Commission and I see people like Chief Heather Fong whose remarks I endorse in regard to the totality of them with the exception of whatever implications about the role of my remarks if they were. I endorse them totally. I see the Department itself having taken a great lesson from Thurgood Marshall. People like Greg Suhr who went to community meetings again and again and answered the concerns of the community about Thurgood Marshall. People like Colleen Fatooh whose work with the SROs and there are a number of protocols and procedures to make sure those things do not happen again. And the Department has changed its procedure to make sure those things will not happen again. In all of those things, I commend the Police Department in the day to day work of the San Francisco Police Department. I commend it. I'm proud of the San Francisco Police Department. I'm proud of this job of being on the Police Commission. We are an independent and new Commission. We're going to continue being independent. We're going to continue to be new, and I'd like to challenge the POA in a sense that I want to

write an article for the POA publication on my side of all this and I challenge you to publish it. I would like it published. When all of these things are put in that context, I can take whatever it is that you want to throw at me. I'll take it in whatever context. I will not resign. I will not apologize. I've done nothing to resign or I've done nothing to apologize for. I'll continue to serve on this Commission. I'll serve honestly, fairly, and call things as I see it. Thank you."

PUBLIC COMMENT:

Gary Delagnes, POA President, asked Commissioner Keane to review the transcripts of last week meeting. He stated that he is honored to represent the men and women of the San Francisco Police Department. He addressed the Commission and particularly Commissioner Keane regarding comments that were made during last week's Commission meeting in regards to the Thurgood Marshall School incident.

Lea Millitello, Pride Alliance, addressed the Commission in regards to comments made by Commissioner Keane. She stated that the Commission heard testimony from students, faculty, school board members and community members in regards to the Thurgood Marshall incident but the Commission did not hear from the officers that responded and who were present at the event.

Unidentified addressed Commissioner Keane regarding comments made at last week's meeting and asked Commissioner Keane to resign and to apologize.

Unidentified discussed concerns that she came to the meeting thinking that it was a community meeting. She stated that the Police should take responsibility for their actions.

Gabe Harp, retired SFPD member, addressed the Commission and stated that it's not the officers that kill, it is family who kills family. He stated that focus should be on the children.

Lisa Torres, SFPD SRO officer at Hoover Middle School, addressed the Commission and stated that in September 2002, she accepted the SRO position at Thurgood Marshall High School. She stated that she was shocked by the mixed reception she got on her first day. She also discussed the reaction from Mr. Peeples in regards to her presence in the school. She stated that students were in the hall being defiant, swearing at staff, and cutting class. She stated that she observed verbal altercations between students in the halls and students assaulting staff members. She stated that on October 11, 2002, her only intention was to render aid to all students and stated that she had come to realized that the students she encountered that day did not view officers as assistance but as their enemy. She stated that her efforts to help that day was prejudged by students as if her only role as a police officer is to lock kids up.

Unidentified, second officer with Thurgood Marshall, stated that it is heartbreaking because he grew up right down the hill from Thurgood Marshall and he went to Thurgood Marshall in junior high school. He stated that kids at Thurgood Marshall are out of control. He stated that he saw teachers calling officers derogatory names during the Thurgood Marshall incident. He stated that he is not a racist and he is proud to be a San Francisco Police Officer.

Unidentified directed her comments to Commissioner Keane. She read a statement in regards to Commissioner Keane's comments. She asked for an apology not only for the officers of SFPD but for the parents in Russia.

Daniel Paez, People Against Police State, discussed concerns regarding actions of police against him. He stated there are good cops in the city but there are also cops that are psychopaths and very dangerous people that abuse their position.

Sergeant Dan Linehan, 28-year member of the SFPD, addressed Commissioner Keane and stated that his comments are a trend and discussed comments Commissioner Keane made during an interview with Ron Owens. He asked Commissioner Keane not only to apologize but to resign as Commissioner.

Steve Curry, President of the Outer Mission Residents Association, addressed the Commission. He stated that SRO officers are unbelievable and

stated that he read the transcripts in regards to Commissioner Keane's comments. He demanded a formal apology from Commissioner Keane for the insulting remarks and asked for Commissioner Keane's resignation and asked the Commission to see the video tribute to Officer Isaac Espinoza.

Julian Hill, President of Officers for Justice, stated that several years ago he applied to be an SRO and was chosen to be an SRO at A.P. Giannini. He stated there was not a lot of events where he had to call for assistance but there were some. He stated that it was a good feeling that when he called for assistance, someone showed up. He stated that he would rather have 100 people show up to help him as a peace officer than not have anyone show up. He stated that for those officers who do show up when he calls for assistance, his family, his friends, and his children thank them everyday. He stated that the OFJ is outraged and appalled that Commissioner Keane made comments to compare the response from the Bayview officers and the Sheriffs Department and other officers that were out on that day as something similar to the incident in Russia. He demanded an apology from Commissioner Keane for comments made.

Rudy Corpus, Gang Prevention Counselor and coordinator of youth program at Balboa High School called United Players, discussed concerns and stated that the 10 years he's been working at Balboa High School has had a big transition from negative to positive and one of the reasons for that transition is because of the SRO officer that is there. He commended Officer Dave Bardoni for saving a lot of lives as the SRO officer in Balboa High. He stated that the SROs, the school administration and community group organizations should work together to alleviate violence in the schools.

Jim Dierky, Principal of Visitation Valley and President of the United Administrators of San Francisco representing 235 school administrators, addressed the Commission and stated that the SRO program, the relationship between the Police Department and the School Department is a wonderful thing. He stated that he was on the Commission that was appointed by the Superintendent of Schools which represented all different kinds of people on Thurgood Marshall. He stated that they met many times and none of them came with up with the conclusion of Commissioner Keane. He stated that a change should be made on the Commission.

Claudia Anderson, Bayview Hunters Point resident, stated that education is the key to social change and she believes that community policing is the key to the building of relationships that bring about social change and stated that the SRO Program is one of the best examples of community policing, education, and bringing about positive social change. She acknowledged Lt. Fatooh, Officers Cavanaugh, Burke, Anton, Torres, and Neitz. She thanked them and all the others in the SRO Program.

Gilma Morales, Assistant Principal at Thurgood Marshall, stated that after the last Commission meeting an officer came up to her and asked her how she felt about having police officers in their schools. She stated that her response to her was that "everyday grandparents, mothers, fathers, guardians send their children to my school, to the school administration and I. They trust the lives of their children to us, and people like Officer Bell, people like Officer Torres, Lt. Fatooh, Officer Valenzuela, Officer Breen have helped me and my administration keep that promise to our community."

Ethel Newland, St. Johns Educational Threshold Center in the Mission, stated that she has spent the last 15 years or more trying to build better relations between youth and the police. She stated that she work very closely with Mission Police Station and the POA to build these better relations. She stated that they have built trust, friendship, and hopefully inspired youth to do good things with their lives. She stated that irresponsible remarks by people who are in position of power and authority who were appointed to provide impartial objective oversight of the Police Department make her job hard. She stated that an apology is owed not only to the officers and the Police Department but also to people who has worked with youth trying to bring youth and the police together because they now have to rebuild relationships that took them five to 25 years to build.

Earl Merriweather, Assistant Principal at John O'Connell High School, stated that he is here to support both the SRO Program and the SRO Program specifically at John O'Connell High School and stated that he and his students feel safe having his SRO officer in the school.

Matt Balzarini, Police Officer, addressed the Commission and stated that in 2001 he was transferred to the Bayview District where he faced verbal abuse daily. He was one of the officers who responded at Thurgood Marshall. He stated that, like everyone, he will never forget that day. He stated that the comments made by Commissioner Keane were irresponsible, inappropriate, and disrespectful to him. He stated that the incident was not about race. The incident was about disorderly conduct and young adults that had no regard for the law or anyone there giving direction. He stated that he and another officer tried to instruct the students to leave the area and go outside. He stated that they were ignored and at one point trampled. The other officer and he ended up on the ground and were kicked several times. The other officer was off on disability for six months with a broken finger and an injured back.

Greg Corrales, Captain of Police and a 35-year member of the SFPD, thanked Chief Fong for her remarks and expressed support for the SRO program. He discussed concerns regarding the comments made by Commissioner Keane.

Unidentified demanded justice and accountability for Cammerin Boyd. She stated that Cammerin Boyd had his hand above his head but the police shot him anyway.

Richard Cairns, retired Captain with 32 years of service with the SFPD, stated that his daughter was a teacher at Thurgood Marshall so he knows a little bit about the school. He addressed Commissioner Keane and asked for his resignation.

Vivian, inner Mission resident, stated that she has worked with police and found them responsive and caring. She stated that Commissioner Keane has not only insulted the Police Department and the individual policemen but also those who have worked with the community and those who trust the police officers.

Mary Harris, President of District 11 Council and OMI Neighbors in Action, stated that tonight's opening remarks and film was beautiful. She stated that it represents the response she has always gotten from the officers from Taraval and Ingleside Station as well as from the POA. She addressed Commissioner Keane and stated that he has said impartial remarks. She stated that if Commissioner Keane does not apologize to the Command Staff and the Police Officers, she will ask her community and her council to join her and Steve Currier and ask the Mayor and the Board of Supervisors for his resignation.

Chris Bowman stated that he's known Commissioner Keane for over 20 years. He stated that he was shocked and disturbed from what he has heard here today. He stated that it's important for this Commission assert its leadership collectively and that the written transcript of last week's meeting be made public. He stated that there needs to be a way to bring the Commission back together and restore trust between the Commission, the Community, and the people that the Commission oversee. He stated that this Commission should support the SRO program.

Nelson Lum, SFPD member, President of San Francisco Asian Peace Officers Association, stated that the APOA is in complete agreement with the POA's demand that Commissioner Keane should apologize and resign.

Belinda Kerr, 19-year veteran of SFPD, member of OFJ and the Women Officers Network, stated that she supports the POA and that Commissioner Keane owes the City and the Department an apology and that he should resign.

Barbara George stated that SRO officers should be kept in the schools. She stated that she has 16 grandchildren with six in San Francisco schools. She stated that the relationships that the officers create is very good for the children. She stated that she has a relationship with the SFPD and that her son was murdered and the officers have been compassionate and supportive and

that she appreciates the Police Department and feels safe in this City.

Commissioner Chan made the following statement: "Thank you, Madam President. I appreciate this opportunity to participate in the meeting at this point of our proceedings. We heard from speakers who I fear are far more eloquent than I in speaking to the issues at hand. However, I think the public this entitled to at least a glimmer or a glimpse into the thought of at least one Commissioner on this panel by way of response to, not only this hearing, but the previous two sessions that have pertained to the incident of Thurgood Marshall High School.

First of all, let me state that I endorse fully the comments previously made by the Chief regarding the subject matter of this meeting thus far. My fellow Commissioners will recall that my support to have a full and fair hearing of the still outstanding grievances by certain members of the Thurgood Marshall High School community was predicated on this Commission's commitment to explore the need for policy reforms stemming from the incident of October 11th, 2002. My initial concerns about the scope of such hearings were prompted by the blatant misrepresentation by School Board Commissioner Mark Sanchez regarding this Commission's and the Department's handling of this matter.

As my colleagues may recall, Commissioner Sanchez alleged in his letter to President Renne of May 25th, 2004, the quote "there has been no official response nor act upon the request" by the Board of Education for the Police Commission to investigate possible police misconduct at the high school.

The facts and the record before us indicate otherwise, and while my review of the record is still continuing, last week, as you know, Lieutenant Colleen Fatooh reported in great detail as to the catalog of affirmative steps being taken to address both policy and procedural issues that were implicated as a result of the unfortunate events of October 11th.

In a letter dated March 5th, 2003, moreover, then Police Commission President Connie Perry proposed a joint hearing on the Marshall High incident to be held by members of the Board of Education and the Police Commission. This proposal preceded the Board of Education's official request for an outside investigation by a week. Moreover, this Commission's records indicate that in spite of several telephone conversations from former Commission Secretary Lieutenant Edward Geeter, the School District failed to respond with any alternative proposal if indeed it was dissatisfied with this Commission's suggested format of a joint hearing.

I will not condone or condemn the perceived failings of any of my predecessors on the Police Commission. However, I believe that my fellow Commissioners, the Command Staff, and OCC have expressed in various ways their intent to examine the need for revisions to the Department's policies.

Our prior hearings have demonstrated a serious commitment to reform both the manner and nature of the Department's future response to non-weapon fights on high school campuses and the promulgation of crowd control policies that are tailored to the student population and the closed confines of a school environment. Toward that end, it is my opinion we have made a commendable start by reopening this matter and soliciting public comment at two prior meetings including this one. Moreover, we have received from the Office of Citizen Complaints the Best Practices Review and Recommendations of September 13th, 2004 and I look forward to an open and vigorous analysis and debate regarding the OCC's recommendations.

That debate, however, is hardly served by incendiary demands for apologies for allegedly racist conduct that may have occurred more than two years ago. First, the record before us in this matter and as of this date does not yet support an apology by this Commission or the Department. In the aftermath of the incident, the Office of Citizen Complaints interviewed at least 47 officers and concluded last spring that there was insufficient evidence to prove or disprove specific allegations of individual police misconduct. The OCC, moreover, found the Department's use of crowd control tactics was

within Department guidelines. Second, I will not stand by quietly while Commissioner Sanchez attempts to use this Commission to deflect criticism away from himself and his colleagues on the Board of Education for their role in the Marshall High School incident. I find it interesting that the Board of Education resolution of March 11th, 2003 makes no apology of its own deficiencies with respect to the district's managerial shortcomings that contributed to the incident. In fact, the December 2002 report of the School District's own Community Task Force found, and I quote, "that all information related to the October 11th, 2000 incident (must made a typo) demonstrates that there was a failure of communication and a lack of coordinated response by site administrators, faculty, staff, and central staff personnel." A finding that was clearly ignored by the Board of Education's resolution. Third, an apology is normally use to express regret for a mistake or wrong with an implied admission of guilt or fault without palliating circumstances. Therefore, I am disinclined, particularly given the School Board's position, to indulge the apparent desire of another city agency and the corrosive and insidious re-election campaign of Board of Education Commissioner Sanchez and his ilk that the Department accept culpability or even liability for the unfortunate events at Marshall High.

Finally, some issues have no identifiable good guys or bad guys but they do point out that the system for conducting human relations at problematic school sites is dysfunctional. To repair that system we should support the fine work of SRO Coordinator Lieutenant Colleen Fatooh to move forward with the Department's immediate plan of action as outlined in her presentation to this Commission last week. We should also schedule, by date certain, additional discussion and hearings on the policy recommendations of the OCC and that should occur in a more deliberative and civil context.

We walk a fine line as Police Commissioners between our functions as policy making body in a quasi judicial panel. The search by this Commission for genuine policy reform I submit would be better served by avoiding the sort of histrionics and prejudicial and inflammatory rhetoric of which the people of San Francisco have witnessed far too much and have grown weary, and I thank you, Madam President."

Commissioner Veronese stated that it is rare that the Commission hear from the rank and file member of the Department and stated that it is a pleasure to hear from members of the rank and file of the Department. He stated that he heard from several perspective of witnesses that were there at the Thurgood Marshall incident. He stated that the Commission also saw a 40-minute video on the incident itself. However, the Commission did not hear from officers that had been kicked and officers that have had batons taken from them but the Commission did see some of the conduct of some of the students that were there. He briefly reviewed comments that he made last week for the sake of the audience that is present today. He stated that from the evidence that was presented to the Commission then and some of the evidence that has been presented to the Commission today, it is clear that the system had failed those children that day and it is also clear that the system had failed the Police Department that day. Commissioner Veronese stated that the system he is talking about is the system where students are allowed to fight in school or were police officers were even needed in schools. A system where a teacher fails at a time where leadership is most important. A system where students feel free to take batons from police officers and curse at them. A system that allows chaos to break out sending students into the streets. He stated that he is confident through the presentation of the Police Chief and Lt. Fatooh and the rest of the Police Department last week that this system is changing since Thurgood Marshall.

Commissioner Orr-Smith thanked Commissioner Chan for his observations and his request to calendar date certain the review of the OCC policy recommendations. Commissioner Orr-Smith explained that the Commission's intention of reviewing the situation at Thurgood Marshall was

to understand what took place there because it is something that had not been responded to by the previous Commission. She also stated that what has come out of this inquiry is to look at how we move forward and the Department has done an admirable job in examining itself. She stated that she is encouraged and proud of the Department for what it has done in this process. She stated that the Commission is pleased with the report from Lt. Fatooh, the Command Staff, Deputy Chief Suhr, and the Chief about the progress that's been made and the Commission supports the SRO program and they will continue to support that program and stated that the SRO program is needed now more than ever. She also stated that the next step is to calendar for date certain to review the OCC policy recommendations.

Commissioner Sparks thanked her fellow Commissioners in expressing their support for the Department. Commissioner Sparks explained that she apologized twice at last week's meeting. She apologized once because she believed that the Commission should have responded and had a fair and open hearing on the Thurgood Marshall incident prior to the 24-month period of time elapsing. She also, based on her experience with an incident she had during Vietnam war, apologized and said that it's very unfortunate that the students of Thurgood Marshall had to experience a traumatic incident as they did. Commissioner Sparks also stated that she tries very hard to be prepared for these meetings and that she spends a lot of time going over the background information, the transcripts, the Task Force Report, and the other various items that were presented relative to the Thurgood Marshall incident and she stated that no where in any of the incidences, in any of the reports, in any of the hearings, and in any of the statements did she see any evidence whatsoever of racism on behalf of the San Francisco Police Department. She also stated that the San Francisco Police Department is the most diverse Police Department in the United States and has a very percentage of officers of African-Americans, of Latinos, of Asians, of gays and lesbians, highest percentage of gays and lesbian officers of any Department in the United States. She stated that she believes that the fundamental basis for this Department is one of fairness and one of professionalism. She stated that she does not believe that this Department participates or has any element of racism to it. She also stated, with due respect to her fellow Commissioner, that she believes that the comments that were made relative to the Russian incident had no relevance whatsoever to the Thurgood Marshall incident. She stated that she believes that Commissioner Keane is an honest and fair man and an honorable man. She stated that she does not believe that he tried to cast any type of comparison to the two incidents as having any similarities but she does believe that even mentioning that incident in the same breath as the Thurgood Marshall incident was a breach of confidence and a lack of judgment. She stated that Commissioner Keane has said that what is perceived that what he said is not what he meant and she would ask that if that is the case that an apology would be in order for him to state that he would be sorry that there is any misperception whatsoever in whether his comments had any similarities of comparing Thurgood Marshall to the events in the Soviet Union.

Commissioner Renne explained that she has been general counsel for the School District until recently and as a result she has not been able to participate in the hearings on the Thurgood Marshall incidents. She stated that Thurgood Marshall for many has become a political football. She find that, for the children of this City, to be truly regrettable. She stated that the children in this City need a good education and they need adults to act like adults. She stated that the only way the children of this City are going to be served is if the schools and the Police Department are working together and what we call need to do is to strive to see how that partnership can continue and flourish. She stated that the SRO Program is critically needed and that we have to move beyond the Thurgood Marshall incident and get at the heart of the real problem and it would really help if some adults who are in charge act like adults.

Commissioner Keane made the following statement: "All of us learn many things in life. If we don't we're intransigent, we're stubborn beyond any kind of real wisdom. And I listened very closely to a number of things that were said tonight by all of you and I learned from two people for whom I have enormous respect. I learned from Chief Fong who is, in my opinion, the best Chief I have seen during the many years I've been in San Francisco, the 40 years I've been here, and I learned from my colleague, Terry Sparks, in regard to my choice of using the Southern Russian incident in connection with describing the emotional effect upon the children. And again, I was trying to draw a sad parallel to us in San Francisco listening to the children from the Bayview say the same kinds of words that I was hearing children who had been brutalized I should say and you can see the two things. But in retrospect, one of the things that has been mentioned here a number of times tonight is I'm a lawyer. I'm a trial lawyer. Trial lawyers say things for emphasis. I feel it's important to emphasize the things that I observed about Thurgood Marshall and the opinions that I have and I try to use as much emphasis as I could because of my background, because of my training, because of my instincts. I realize now though in using the comparison of Southern Russia in any way, after listening to my colleague, Terry Sparks, and after listening to Chief Fong that I was wrong in doing that and for that I apologize."

**OCC DIRECTOR'S REPORT**

**a. Report on the function of the Office of Citizen Complaints**

Ms. Jean Field, Senior Trial Attorney of OCC, for Director Allen who is in Russia on a goodwill mission learning about the Russian System of Justice and hopefully passing along the fine things that are done here. Ms. Field described the duties and responsibilities of the OCC.

PUBLIC COMMENT:

None

**COMMISSION ANNOUNCEMENTS**

No announcements.

**CAPTAIN JOHN GOLDBERG, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON THE POLICE ACTIVITIES IN THE MISSION DISTRICT**

Commissioner Renne asked Captain Goldberg if he wants to be heard now or he could come to a meeting at City Hall, or the Commission can come back to the Mission at another time.

Commissioner Renne asked Captain Goldberg to go to a Commission meeting at City Hall to let everybody know what's going on in the Mission District. Captain Goldberg stated that he would be pleased to do that.

PUBLIC COMMENT:

None.

**PUBLIC COMMENT**

None.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne announced that the next few meeting will be very

heavy.

Commissioner Sparks asked for an overview of future agenda items that will be coming up.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 6, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

DOCUMENTS DEPT.

OCT - 4 2004

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***CLOSED SESSION (5:00 p.m. in Room 421)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Cod Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Kalinin, et al. v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the consent calendar (ACTION ITEM)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

7. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Discussion regarding the 911 system

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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President

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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

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Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, OCTOBER 6, 2004
### 5:30 p.m.

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

The Commission may decide to consider Item Nos. 9 to 13, in whole or in part, in closed session pursuant to Government Code section 54957 and S.F. Administrative Code section 67.(b). In which case:

a. Public Comment on all matters pertaining to the closed session.
b. Reconvene to open session:
   i. Possible report on action taken in closed session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussion held in closed session pursuant to S.F. Administrative Code section 67.12(a).

9. Discussion and possible action regarding disciplinary charges against Officer Benjamin J. McAlister in light of Officer McAlister's retirement (File Nos. C00-281 JWA, C02-214 JWA, and C02-213 JWA) (ACTION ITEM)

10. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Sergeant Jeffrey A. Barry (File No. C04-062 JWA) without trial. (ACTION ITEM)

11. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer Anthony Nelson (File No. C04-074 EGF) without trial. (ACTION ITEM)

12. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Sergeant Eugene Yoshii (File No. C03-190 JWA) without trial. (ACTION ITEM)

13. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer Michael V. Celis (File No. C03-119 JWA) without trial. (ACTION ITEM)

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, OCTOBER 6, 2004
### 5:30 p.m.

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

14. Commission Announcements (DISCUSSION ONLY)

15. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   a. Kalinin, et al. v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

***PLEASE NOTE:*** The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Richmond District, Richmond Recreation Center, 251 18th Avenue, San Francisco, at 6:00 p.m., on Wednesday, October 27, 2004, to hear comments from the public and Richmond Captain Sandra Tong concerning public protections issues in the Richmond District.

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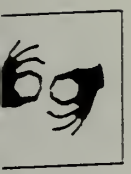
SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION



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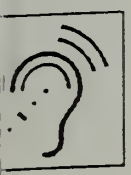

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Accessible parking _____

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**OCTOBER 6, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 491, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Renne, Chan, Marshall, Sparks, Veronese
ABSENT: Commissioners Orr-Smith, Keane

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Chan to hold Closed Session. Second by Commissioner Veronese. Approved 5-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Kalinin, et al., v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

**OCTOBER 6, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Keane for non disclosure. Second by Commissioner Veronese. Approved 6-0.

**APPROVAL OF THE CONSENT CALENDAR**

Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

a. Kalinin, et al., v. City and County of San Francisco, District Court Case No. C-03-4928 MHP

Motion by Commissioner Marshall to approve the Consent Calendar. Second by Commissioner Keane. Approved 6-0.

**RESOLUTION NO. 90-04**

**KALININ, et al. v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Kalinin, et al. v. City and County of San Francisco," in San Francisco District Court No. C-03-4928 MHP, be, and the same is hereby approved.

DOCUMENTS DEPT.

APR - 4 2005

SAN FRANCISCO
PUBLIC LIBRARY

Date of Incident: November 2000 to the present

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**PUBLIC COMMENT**

Daniel Paez, No Police State, discussed concerns regarding last week's meeting in the Mission District.

Frank Martin Del Campo, SEIU 790, discussed concerns regarding discriminatory treatment between sworn and non sworn personnel.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding last week's Commission meeting. She thanked the Commission and Commissioner Keane for his comments and all the worked that he has done.

Shannon stated that she was there at last week's meeting and discussed concerns regarding that meeting. She asked the Commission to schedule another meeting in the Mission District.

Aoka Turner, SF resident, discussed concerns regarding the Thurgood Marshall hearing and the Commission meeting in the Mission District. She stated that she was very disappointed with the Department and that she supports Commissioner Keane.

Evan discussed concerns regarding the OCC and an investigator who tried to get him to change his story regarding an incident which involved officers.

Kevin Martin, POA Secretary, requested that a member of the Commission be designated to act as a liaison between the POA and the OCC.

**CHIEF'S REPORT**

**a. Review of Recent Activities**
**b. Discussion regarding the 911 system**

Chief Fong gave an overview of the activities in the past week. She stated that the Department has been very busy due to the hotel labor dispute. This coming weekend is Fleet Week in San Francisco and the city will be welcoming 11 ships from different nations and there will be an air show on Saturday and Sunday. Chief Fong also highlighted some of the things that the officers have been involved in in the last several weeks.

Commissioner Keane asked about an article regarding the release of departmental information. Chief Fong stated that there were two changes that were made. One had to do with the emails that are sent out by the District Station Captains and also the Big 19, a daily recap of serious incidents from the Operations Center. Chief Fong stated that in reviewing those documents, it was found that there was information in those documents that potentially violate Government Code sections as well as appropriate information for release. So after conferring with Legal and the City Attorney's office, the format was changed so that the information is still being given out absent the information that potentially could be violating a policy. With regards to the emails, nothing in the emails have changed except for the identification of specific names of individuals to insure it doesn't compromise an on-going investigation.

Commissioner Chan asked about an article regarding Asians targeted in strong armed robberies. Chief Fong explained that Captains at District Stations are encouraged to look at things as to when and where things happen so that the Department can appropriately respond and that she will follow up with Captain Bruce and Deputy Chief Suhr to make sure that the Department look at the analysis that's put out. Chief Fong stated that the goal is to solve the crime, identify what the trends are, and then to appropriate solve crime, not only through the enforcement side but also to bring the community together and do

the proactive piece to help with crime prevention.

Commissioner Marshall thanked Captain Hettrich for helping him during his radio broadcast regarding the effects of the drug Ecstasy. He stated that the Captain was very helpful.

**b. Discussion regarding the 911 system**

Chris Cunnie, Executive Director of the ECD of San Francisco, talked about the 911 Wireless Project. He explained that 80 percent of the 84,000 calls that ECD gets a month are police calls. He stated that the majority of their work is police related.

Commissioner Veronese stated that his concern was people being placed on hold when dialing 911 and asked Director Cunnie if ECD has conducted any study as to what the hold time is from a 911 call. Director Cunnie stated that in San Francisco there is no hold time and that 82 percent of 911 calls are answered within 10 seconds or less. He also stated that for non-emergency call the number is 553-0123. Chief Fong also stated that the number for the confidential tip line is 575-4444 and that is answered 24-hours a day. Commissioner Veronese asked if it is possible to come up with a number that is easier for the public to remember.

Commissioner Chan asked about the ECD office and its facilities. Director Cunnie stated the building is about four years old. The building houses OES and BOC which is where city government will stand up if there is an emergency, for example, if the Mayor and other government leaders had to leave City Hall, they will convene there. Director Cunnie stated that he feels good about the infrastructure and about the technology and its stability and security.

Commissioner Marshall stated that he had no idea that there are so many emergency calls made during the year which was close to a million a year. Commissioner Marshall asked what the percentage of calls made from cell phones. Director Cunnie stated that 10,000 a month out of 84,000.

Public Comment:

None

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen reported that he just got back from a trip to Russia with the SFPD. The reason for going to Russia is five years ago SFPD was contacted by the Russian police force in regards to hate crimes and the Russian PD did not have anything in the books that addressed hate crime issues. The SFPD invited a group of Russian officials to come over to learn and to observe on how they would handle hate crime incidents. Subsequently, a group from SFPD went over to Russia to go to various cities and work on establishing hate crime tolerance centers. Because of the work done, Russia invited a group from SFPD to go back to Russia. OCC made a presentation in regards to civilian oversight.

Commissioner Veronese asked Director Allen if, during his trip to Russia, noticed anything that the Russian were doing that maybe the Commission and the Department should take a look at. Director Allen stated that in their academy, they have a 40-hour training course on just hate crime, the investigation of hate crimes.

Commissioner Sparks asked if Director Allen was able to look at the list of protected classes that they look at relative to potential hate crimes as opposed to our list of protected classes. Director Allen stated that because they do not have hate crimes on the record books, he stated that off hand there were temples, Jewish Temples being defaced, an African student beat to death, a 7-year old Chechnian girl beat to death, the co-founder of the Tolerance Symposium, who was Jewish, who was shot and killed. Commissioner Sparks also asked about OCC intake using non profit organizations or community-based organizations around the city. Director Allen stated that they are trying to identify community groups that reach a largest number of citizens. Idriss Stelley Foundation would be one, LaRaza Central would be one of the sites. He stated that the OCC is trying to come up with a training program so that a group of people can be brought to the OCC office and train.

Commissioner Keane stated that the whole Commission is liaison to the OCC and he doesn't think that the Commission needs an ambassador to the OCC.

Commissioner Chan asked Director Allen how he would characterized the status of his meetings with the POA with respect to the scheduling issues about interviewing officers coming off of midnight shifts. Director Allen stated "stalled." He stated that it's an issue that came up near the beginning of his tenure at the OCC and it's an issue that's been going on for years. He stated that the budget has great influence on what's going on. Commissioner Chan asked if there is a timetable on what may be or may not be an issue. Director Allen stated that he will be talking with the POA about this issue again as soon as possible.

Public Comment:

Steve Johnson, POA, stated that the POA is not stalling the talks in regards to the interviews and stated that the POA has asked for some help because officers, who are sometimes up over 24 hours, being asked to come in for interviews at OCC. Mr. Johnson asked the Commission to help the POA and the OCC make it more appropriate for the officers when they can come in.

Commissioner Renne asked Sergeant Reilly to call items 9 to 13 and she recommends that the Commission go into Closed Session with respect to all those matters.

Motion by Commissioner Chan to go into Closed Session in regards to items 9 to 13. Second by Commissioner Marshall.

**DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY CHARGES AGAINST OFFICER BENJAMIN J. MCALISTER IN LIGHT OF OFFICER MCALISTER'S RETIREMENT (FILE NOS. C00-281 JWA, C02-214 JWA, AND C02-213 JWA)**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST SERGEANT JEFFREY A. BARRY (FILE NO. C04-062 JWA) WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST OFFICER ANTHONY NELSON (FILE NO. C04-074 EGJ) WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST SERGEANT EUGENE YOSHII (FILE NO. C03-190 JWA) WITHOUT TRIAL**

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL V. CELIS (FILE NO. C03-119 JWA) WITHOUT TRIAL**

**a. Public Comment on all matters pertaining to closed session**

Leslie Levy, Attorney for Ms. Vacarezza who is the complainant against Officer Nelson. She asked the Commission to watch footage that was sent to them in regards to the actions of Officer Nelson.

Unidentified asked that video footage be shown and asked that the Commission see the prior records of Officer Nelson.

Tim Silard spoke in regards to the matter of Officer Celis. He stated that Officer Celis shot and killed his partner.

Commissioner Renne stated that this is not a good time to show the footage.

Closed session at 7:17 p.m.
Reconvened to Open Session at 9:12 p.m.

**b. Reconvene to open session**

**I. Possible report on action taken in closed session, pursuant to Government Code Section 54757.1 and S.F. Administrative Code Section 67.12(b).**

**ii. Vote whether to disclose any or all of the discussion held in closed session pursuant to S.F. Administrative Code Section 67.12(a).**

Commissioner Renne, on behalf of the Commission, reported that of the five items with regard to item #9, the McAlister matter, that is being assigned back to Commissioner Marshall. With regard to item #10, Sergeant Barry, and item #12, Sergeant Yoshii, they are continued and the Commission requested the Department to make sure that these matters get back to the Commission on a date certain. With regard to the item #11, Officer Nelson, and item #13, Officer Celis, these are continued because the Commission just received new drafts of settlement and will be continued for at least one week. Commissioner Renne stated that the Commission wants settlements at sufficient time that they can be considered in a professional way and stated that getting drafts of settlements on the date of the Commission consideration is not professional.

Motion by Commissioner Chan to decline disclosure as to all other items discussed in Closed Session. Second by Commissioner Marshall. Approved 7-0.

**COMMISSION ANNOUNCEMENTS**

No public comment.

No Commission announcements.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne stated that the Commission is considering another meeting at Mission district.

Commissioner Keane would like to schedule for discussion as to the subject of public information and information to the press.

Commissioner Renne stated that for the 13th, tentatively scheduled is General Order 8.11, on the 20th is Commissioner Keane's resolution, and on November 3rd, the OCC policy recommendations for discussion.

Thereafter the meeting was adjourned at 9:19 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 13, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

Pledge of Allegiance; Roll Call

1. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

2. Chief's Report (DISCUSSION ONLY)
   a. Status of proposed changes to Department General Order 8.11, "Officer-Involved Shootings," reissuance of Department General Order 3.10, "Weapon Discharge Review Board," and modification of Department General Order 3.16, "Release of Police Reports," General Order 8.04, "Critical Incident Response Team," and General Order 8.09, "Media Relations"
   b. Review of Recent Activities

3. OCC Director's Report (DISCUSSION ONLY)
   a. Presentation of the OCC's 3rd Quarter Statistical Report
   b. Presentation of OCC cases eight months and older
   c. Review of Recent Activities

The Commission may decide to consider Item No. 4, in whole or in part, in closed session pursuant to Government Code section 54957 and S.F. Administrative Code section 67.(b). In which case:

a. Public Comment on all matters pertaining to the closed session.
b. Reconvene to open session:
   i. Possible report on action taken in closed session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussion held in closed session pursuant to S.F. Administrative Code section 67.12(a).

4. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer Michael V. Celis (File No. C03-119 JWA) without trial. (ACTION ITEM)

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5. Commission Announcements (DISCUSSION ONLY)

6. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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1. The Commission will hold its Community Meeting at the Richmond District, Richmond Recreation Center, 251 18th Avenue, San Francisco, at 6:00 p.m., on Wednesday, October 27, 2004, to hear comments from the public and Richmond Captain Sandra Tong concerning public protections issues in the Richmond District.

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**REGULAR MEETING**
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**OCTOBER 13, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Sparks, Marshall, Veronese
ABSENT: Commissioners Orr-Smith, Keane

**PUBLIC COMMENT**

Lea Militello, Co-Chair of the San Francisco Police Officers' Pride Alliance representing over 200 LGBT Officers, addressed the Commission in regards to Lt. Judie Pursell and submitted a petition that is signed by 10 members of the Department requesting a hearing in regards to the transfers of Lt. Pursell.

David Pilpel notified the Commission that tomorrow there is a Public Education and Information Committee Meeting at 4:00 p.m. and one of the items on the agenda is a discussion of recent change in the Police Department's information practices.

Francisco DeCosta, Director of the Environmental Justice Advocacy, asked the Commission to have better dialogue not only among every levels in the Police Department but also among people in various neighborhoods.

Bill Carlin asked for increased patrolling at McClaren Park and asked that the Honda Unit patrol the area again.

Harper Lauglin and Les Laughlin talked about the Drug Free Marshall Program sponsored by the Church of Scientology.

John Crew, ACLU, thanked the Commission for their service.

**CHIEF'S REPORT**

**a. Status of proposed changes to Department General Order 8.11, "Officer-Involved Shootings," reissuance of Department General Order 3.10, "Weapon Discharge Review Board," and modification of Department General Order 3.16, "Release of Police Reports," General Order 8.04, "Critical Incident Response Team," and General Order 8.09, "Media Relations."**

**b. Review of Recent Activities**

*(Discussion regarding this item was transcribed verbatim from the audiotape and is available in the Police Commission Office upon request.)*

Deputy Chief Pengel, for Chief Fong who is in Los Angeles, introduced Captain Keohane to talk about the status of Department General Order 8.11 and related General Orders.

Acting Captain Keohane, Risk Management Unit, talked about the status of proposed changes to Department General Order 8.11, reissuance of Department General Order 3.10 and modification of Department General Orders 3.16, 8.04, and 8.09.

**OCC DIRECTOR'S REPORT**

**a. Presentation of the OCC's 3rd Quarter Statistical Report**

**b. Presentation of OCC cases eight months and older**

**c. Review of Recent Activities**

Director Allen presented the OCC's 3rd Quarter Statistical Report and the report on OCC cases eight months and older. He stated that the website has the full report that have the comprehensive statistics if the public would like to see those.

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**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL V. CELIS (FILE NO. C03-199 JWA) WITHOUT TRIAL**

The hearing in the matter of Officer Michael V. Celis, Star No. 694, Operations Center, was called it having been set for this date. Officer Celis was charged, in a properly verified complaint by Heather Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Using his official position for personal advantage (violation of Rule 45 of Department General Order 2.01 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct that subverts the good order, efficiency or discipline of the department or which reflects discredit of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

SPECIFICATION NO. 3
Engaging in insubordinate conduct (violation of Rules 9 & 10 of Department General Order 2.01 of the San Francisco Police Department).

SPECIFICATION NO. 4

Engaging in conduct that subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael V. Celis appeared in person and was represented by Mr. Steve Johnson, POA.

Officer Celis admitted to the truth of the allegations contained in Specifications No. 1, 2, 3, and 4 and accepted responsibility for his actions.

The Chief's recommendation was embodied in a proposed settlement agreement filed with the Police Commission.

The Police Commission accepted Officer Michael V. Celis' plea by a vote of 4 to 1.

Based on Officer Celis' admissions, the Commission approved the recommendation from Chief of Police Heather Fong embodied in the agreement.

> Chief of Police Heather Fong recommended that Officer Michael V. Celis be terminated from the Department. The termination will be held in abeyance for a period of five (5) years. That Officer Celis be suspended for a total of 180 days, effective forthwith, representing 45 days for each specifications. That Officer Celis agrees to abide by the terms of the written treatment plan developed for him by the Program Administrator of the Evaluation and Rehabilitation Program. The Officer Celis shall remain unarmed and assigned to administrative duties until the Program Administrator of the Evaluation and Rehabilitation Program certifies that he has successfully completed the Treatment Program, and the Weapons

Return Panel, after a hearing in accordance with Department General Order 3.05, recommends to the Chief that his weapon be returned. The Chief shall notify the Commission at least 14 days prior to operative date of any order pursuant to Department General Order 3.05, section I (E) reinstating Officer Celis' privilege to carry a firearm.

Officer Celis shall abide by all Department General Orders in the future without fail. In the event that the Chief of Police or the Office of Citizen Complaints determines, during the Abeyance Period, that Officer Celis should be charged with violation of a Department General Order for conduct occurring during the Abeyance Period, including failure to comply with the terms of the written Treatment Plan, such charges shall be referred to the Commission for hearing. Officer Celis is entitled to a trial before the Commission on
such new charges in accordance with Charter section A8.343. Should the Commission thereafter sustain the new charges, the Commission may: (a) immediately terminate Officer Celis from employment with the Department for violating the terms of this agreement; or (b) i. suspend Officer Celis for up to 45 days on each specification for violating the terms of this agreement and/or ii. impose the level of discipline that the Commission deems appropriate for the new charges. Should the Commission exercises its option under subsection (b) above, this agreement shall remain in effect until the abeyance period has ended.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 91-04

DECISION – HEARING OF OFFICER MICHAEL V. CELIS, STAR NO. 694 (FILE NO. C03-119 JWA)

WHEREAS, on March 13, 2004, Heather Fong, Chief of Police of the San Francisco Police Department, made and served charges against Officer Michael V. Celis, as follows:

SPECIFICATION NO. 1
Using his official position for personal advantage (violation of Rule 45 of Department General Order 2.01 of the San Francisco Police Department).

(1) At all times herein mentioned, Officer Michael V. Celis, Star Number 694, (after this called "the accused") was and is a police officer employed and assigned tot he Mission District and now assigned to the Operations Center.

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On March 15, 2003, the accused was off duty and had learned that his wife, from whom he was separated, was with a man at the Embassy Suites Hotel, located at 150 Anza Boulevard in the City of Burlingame, California.

(4) On March 15, 2003, at about 1320 hours, the accused went to the front desk of the Embassy Suites Hotel. The accused showed his San Francisco Police Department identification and star to the clerk and informed him that he was conducting an investigation and believed that the suspect was staying at the hotel.

(5) The clerk called for assistance from the manager of the hotel. The hotel manager and another employee, along with the accused, went to the room on the 8th floor where the accused's wife was registered. When no one answered the door, the accused asked the manager to open the door with

his pass key to further his investigation. The manager informed the accused that he would need to present a search warrant before they would be able to open the door for him.

(6) The accused was not conducting a criminal investigation for the San Francisco Police Department as he stated to the manager, but was trying to ascertain if his wife was in fact with a man in the room at the Embassy Suites Hotel. The manager asked the accused to leave the premises and the accused appeared to cooperate with the request to leave the Embassy Suites Hotel.

(7) The accused by his conduct in using his star and Police Identification card in an attempt to get the hotel manager to open the door to his wife's room, violated Rule 45 of Department General Order 2.01 of the San Francisco Police Department, which states"

"45. SECURING PERSONAL PRIVILEGES. Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct."

SPECIFICATION NO. 2

Engaging in conduct that subverts the good order, efficiency or discipline of the department or which reflects discredit of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(8) Each and every allegation contained in paragraphs 1 through 7 of Specification No. 1 above, is realleged and incorporated in this paragraph as though set forth in full.

(9) On March 15, 2003, shortly after the manager of the Embassy Suites Hotel thought that the accused had left the premises of the hotel, the manager received a call from another employee on the 8th floor who said there was a man there offering him money in return for letting him into the room registered to his wife.

(10) The manager went to the 8th floor of the hotel and met with the employee who told him that the accused had offered him $100 to let him into the guest room and that the accused showed the employee a $100 bill. The employee believed that the accused wanted to hurt one of the hotel guests, refused the money and refused to open the door. The accused told the employee that he is a police officer, that he had a warrant for the arrest of one of the occupants of the room and that he needed to get into the room. The employee called the manager. The manager, for the second time, demanded that the accused leave the Embassy Suites Hotel. The manager followed the accused to the parking lot and witnessed him get into his personal automobile and begin to drive away.

(11) The manager then called the Burlingame Police Department regarding the incident. A marked police unit intercepted the accused in his car before he got out of the parking lot. The accused was detained for investigation of the incident at the Embassy Suites Hotel.

(12) The accused, by offering the Embassy Suites Hotel employee money to let him into a guest room after being told by the manager that the accused would have to produce a warrant to gain entry to the room violated Rule 9 of Department General Order 2.01 of the San Francisco Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without

the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3
Engaging in insubordinate conduct (violation of Rules 9 & 10 of Department General Order 2.01 of the San Francisco Police Department).

(13) Each and every allegation contained in paragraphs 1 through 7 of Specification No. 1 above, is realleged and incorporated in this paragraph as though set forth in full.

(14) On March 19, 2003, the Chief of Police issued an order that the accused be disarmed forthwith. The Chief ordered the accused not carry a concealable firearm on duty or off duty pending the resolution of the administrative and any criminal matters arising from the incident at the Embassy Suites Hotel.

(15) On March 20, the accused went to a firearms dealer and purchased a handgun, which was delivered on April 19, 2003.

(16) The accused signed a copy of the order acknowledging that he received the order from the Chief on March 21, 2003. When interviewed by the Management Control Division, the accused acknowledged that he had received the order and knew its import. He also acknowledged that he bought the gun to work at the San Francisco Police Department on at least one occasion after he received it on April 19, 2003 and frequently took it with him to private shooting ranges to practice shooting.

(17) The accused, by buying and carrying the handgun, shooting it at the range, and bringing it to work, violated the Chief's order, which violates Rule 10 of Department General Order 2.01, which states:

"10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors."

(18) The accused, by his conduct of purchasing and taking delivery of a handgun after being ordered by the Chief not to carry a concealable firearm and carrying it with him to firing ranges while ordered not to carry a concealable firearm has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and conduct which subverts the good order and discipline of the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

(19) Each and every allegation contained in paragraphs 1 through 7 of Specification No. 1 above, is realleged and incorporated in this paragraph as though set forth in full.

(20) On January 6, 2004, the accused's wife, in a telephone conversation with the investigator from the Management Control Division, informed the investigator that the accused had called her during the month of December

2003 attempted to dissuade her from cooperating with the administrative investigation of these incidents. She said the accused asked her to call the department and tell the department that she had just been mad and had not been thinking right when she cooperated with the report of the Manager of the Burlingame Embassy Suites Hotel. He told her that she did not have to comply with Police Commission subpoenas. She told the investigator, "and I said well, do you want me to lie to Sgt. Butler and the rest of the P.D? and he goes, well, it is up to you but whatever you can do will help me go back faster on the street ..."

(21) The accused, by his conduct by trying to dissuade his wife from cooperating with the administrative investigation of this matter and trying to persuade his wife to recant her statements, has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and conduct which subverts the good order and discipline of the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on July 7, 2004, and on October 13, 2004 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Michael Celis admissions, the Commission finds the allegation contained in Specifications No. 1, 2, 3, and 4 of the disciplinary charges as preferred by Chief of Police Heather Fong against Officer Michael Celis are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that:

| | |
|---|---|
| SPECIFICATION NO. 1: | Sustained |
| SPECIFICATION NO. 2: | Sustained |
| SPECIFICATION NO. 3: | Sustained |
| SPECIFICATION NO. 4: | Sustained |

and

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

That Officer Michael V. Celis be terminated from the Department. The termination will be held in abeyance for a period of five (5) years. That Officer Celis be suspended for a total of 180 days, effective forthwith, representing 45 days for each specification. That Officer Celis agrees to abide by the terms of the written treatment plan developed for him by the Program Administrator of the Evaluation and Rehabilitation Program. The Officer Celis shall remain unarmed and assigned to administrative duties until the Program Administrator of the Evaluation and Rehabilitation Program certifies that he has successfully completed the Treatment Program, and the Weapons Return Panel, after a hearing in accordance with Department General Order 3.05, recommends to the Chief that

his weapon be returned. The Chief shall notify the Commission at least 14 days prior to operative date of any order pursuant to Department General Order 3.05, section I (E) reinstating Officer Celis' privilege to carry a firearm.

Officer Celis shall abide by all Department General Orders in the future without fail. In the event that the Chief of Police or the Office of Citizen Complaints determines, during the Abeyance Period, that Officer Celis should be charged with violation of a Department General Order for conduct occurring during the Abeyance Period, including failure to comply with the terms of the written Treatment Plan, such charges shall be referred to the Commission for hearing. Officer Celis is entitled to a trial before the Commission on such new charges in accordance with Charter section A8.343. Should the Commission thereafter sustain the new charges, the Commission may: (a) immediately terminate Officer Celis from employment with the Department for violating the terms of this agreement; or (b) i. suspend Officer Celis for up to 45 days on each specification for violating the terms of this agreement and/or ii. impose the level of discipline that the Commission deems appropriate for the new charges. Should the Commission exercises its option under subsection (b) above, this agreement shall remain in effect until the abeyance period has ended.

FURTHER RESOLVED, that said one hundred eighty (180) days suspension imposed shall commence on Thursday, October 14, 2004, at 0001 hours, and terminate on Monday,
April 11, 2005, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure , §1094.6.

| | |
|---|---|
| AYES: | Commissioners Chan, Marshall, Sparks, Veronese |
| NAYS: | Commissioner Renne |
| ABSENT: | Commissioners Orr-Smith, Keane |

COMMISSION ANNOUNCEMENTS

None

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commission Chan would like to request at some future date, a report from the Department regarding the use of civilian junctions to abate gang activity as a public nuisance.

Commission Sparks would like to request that the Commission schedule a hearing within 30 days to comply with the formal request for hearing by representative of the San Francisco Gay Pride Alliance. In pursuant to DGO 2.01, Paragraph A, "Requesting Hearings" and asked if that be scheduled within 30 days and ask that the Pride Alliance submit prior to that time, some type of a brief explanation of the issues that there are asking the Commission to call the hearing on.

Commissioner Sparks would actually like to cordially invite a representative of Kamala Harris' office, either she or one of her representatives to speak to the Commission and talk about procedures that the District Attorney's Office uses in investigative officer-involved shootings and also discuss possibly at that meeting discussion items to discuss the working relationship between the District Attorney's Office and the San Francisco Police Department and the

Office of the Citizens Compliant relative to investigations of officer-involved shootings.

Thereafter, the meeting was adjourned at 9:35 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/kd:rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 20, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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***CLOSED SESSION (5:00 p.m. in Room 400)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Pamela Nash v. CCSF, U.S. District Court Case No. C-03- 01221-CW

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the consent calendar (ACTION ITEM)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

7. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Report on series of robberies targeting Asian Immigrants

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Comprehensive overview report of OCC cases eight months and older

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 20, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

9. Discussion of Commissioner Keane's proposal to require additional reporting: (1) by the OCC on the status of OCC investigations and the caseloads of OCC investigators; and (2) by the Chief of Police on the status of MCD investigations, the status of sustained MCD cases, and the nature of sustained OCC cases. (DISCUSSION ONLY)

10. Approval of minutes of the Police Commission meetings of August 11th, 18th, and 25, 2004 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   a. Pamela Nash v. CCSF, U.S. District Court Case No. C-03- 01221-CW

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

***PLEASE NOTE:*** The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Richmond District, Richmond Recreation Center, 251 18th Avenue, San Francisco, at 6:00 p.m., on Wednesday, October 27, 2004, to hear comments from the public and Richmond Captain Sandra Tong concerning public protections issues in the Richmond District.

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, OCTOBER 20, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

## *KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE*

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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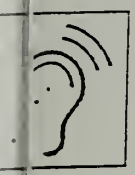
Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.



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ing agendas and other print materials will be made available in alternate formats puter disk, cassette tape, large print or Braille) upon advance request at least 72 s at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

riduals with severe allergies, environmental illness, multiple chemical itivity or related disabilities should call 553 1343 to discuss meeting accessibility. der to assist the City's efforts to accommodate such people, attendees at public ings are reminded that other attendees may be sensitive to various chemical d products.

roceeding will be held at: City Hall, Room 263
1 Dr Carlton B. Goodlett Place, San Francisco

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47 Van Ness. 5 Fulton. 31 Balboa

nformation about MUNI service call 923 6142

losest BART Station is: Civic Center

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or information about the meeting call 553-1667 (v) or 553-9194 (tty)

**OCTOBER 20, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Keane, Marshall, Veronese
ABSENT: Commissioners Renne, Orr-Smith, Sparks

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD A CLOSED SESSION TO CONFER WITH LEGAL COUNSEL PER ADMINISTRATIVE CODE SECTION 67.10 (d)**

Motion by Commissioner Marshall to hold Closed Session. Second by Commissioner Keane. Approved 4-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Pamela Nash v. CCSF, U.S. District Court Case No. C03-01221-CW

PRESENT: Commissioners Chan, Keane, Marshall, Renne, Veronese
ABSENT: Commissioners Orr-Smith, Sparks

**OCTOBER 24, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Marshall, Veronese
ABSENT: Commissioners Orr-Smith, Sparks

**VOTE ON WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION**

Motion by Commissioner Veronese for non disclosure. Second by Commissioner Keane. Approved 5-0.

**APPROVAL OF THE CONSENT CALENDAR**

Motion by Commissioner Keane to approve the Consent Calendar. Second by Commissioner Marshall. Approved 5-0.

**PUBLIC COMMENT**

None

**CHIEF'S REPORT**

a. Review of Recent Activities
b. Report on series of robberies targeting Asian immigrants

Chief Fong covered several weeks of great work done by the members of the San Francisco Police Department and acknowledged the many great examples of the excellent work done, in particularly, by the following:

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- Investigations
- Field Operations Bureau
- Crime Prevention Company
- Richmond District
- Southern Station

Chief declared there would be a special presentation by Commander David Shinn, Field Operations Bureau, and Lieutenant Loftus from the Robbery Section. Their presentation would be about the incidents of robberies and the work the Department has been doing to abate, update, outreach, and prevent people from being victimized.

Commander Shinn's presentation was to update the Commission on the series of robberies victimizing Asian Immigrants. Lieutenant John Loftus, Commanding Officer, gave the following statistics: .

Early April, 30 robberies in the Portola District targeted thirty (30) females, and ten (10) males: Race were 26 Asians; 3 Hispanics; 1 African American. Suspects included adult males and juveniles. Several arrests were made and robberies have fallen drastically.

Commissioner Chan commented on the fine work in abating the situation, but asked if there had been a gap in uniform presence in this geographic area, or was it a cyclical phenomenon having to do with suspects in organized fashion, or was it simply a high incident of random activity. Lt. Loftus stated that whenever there is a series, it is not entirely random. In this particular case, there was a large number of juveniles involved pulling robberies. Because they are young – one of the juveniles arrested was 12 years old – they don't have the ability to drive to another part of the city. That keeps them to this geographic area to commit their crimes.

Lt. Loftus stated that maintaining a close liaison with stations and FOB, Robbery Detail; having additional patrol units in the area, and the collaboration with Community-based organizations and the non-profit organization named SAFE (Safety Awareness For Everyone) contributed to successful arrests.

He also stated that safety seminars were presented in Cantonese, Mandarin, and English. Better communication achieved a relationship among the Chinese speaking community and Cantonese and Mandarin speaking officers.

Commissioner Chan asked what was the response time between Inspection Bureau discerning the pattern and when efforts were put in place and is there a crime mapping software to discern patterns more quickly before getting 26-30 crimes committed.

Lt. Loftus stated that there is a two-week delay in a crime mapping system from time incident occurs until the crime pops up on the screens. This is a problem. Three incidents are a series. Undercover presence working in conjunction with crime mapping system. Private video cameras were also helpful.

PUBLIC COMMENT:

Unidentified discussed concerns regarding shooting at 19th and Junipero Serra Avenue.

Unidentified discussed concerns regarding no response from the police.

**OCC DIRECTOR'S REPORT**

Director Allen reported on 8 months or older case reports. The format won't give away too much information or violate any statues or codes, but provide insight/sustainability to address them immediately. Fifty-seven (57) cases are now opened; down from 95-100 at beginning of the year. Many are closed. Same cases are

fairly old. Extensions/exceptions do note closing /closed. Sustainable cases take priority.

Commissioner Keane thank Director Allen for his report. Commissioner Keane asked if more details can be provided to the Commission. Director Allen stated he will consult with the City Attorney about that matter.

Director Allen introduced Susan Leff, the new OCC Staff Attorney, and welcomed back Samara Marion.

Commissioner Renne asked how many cases where the OCC had sustained charges but they weren't sent to the Department in a timely manner. Director Allen stated he doesn't have the figure but will have it next week. He also stated that that information is available on the Police Department's website.

PUBLIC COMMENT:

None

**DISCUSSION OF COMMISSIONER KEANE'S PROPOSAL TO REQUIRE ADDITIONAL REPORTING BY THE OCC ON THE STATUS OF OCC INVESTIGATIONS AND THE CASELOADS OF OCC INVESTORS AND BY THE CHIEF OF POLICE ON THE STATUS OF MCD INVESTAGATIONS, STATUS OF SUSTAINED MCD CASES, AND THE NATURE OF SUSTAINED OCC CASES**

Commissioner Keane thanked City Attorney, Marion Morley, whose great services putting together the package and her analysis and helpful aspect relating to the main issues. The exhibits of the methods done in Los Angeles, relating to a particular case when finished: Exhibit A2.

Comparison with Los Angeles: Get level of detail of what investigation was. Level of detail that tells you what was all about and what was done which the public of S.F. does not get and we don't get as a Commission. Instead we get numbers and a few words.

Commissioner Chan stated that, in reading the materials, he is under impression that the Chief had some concerns with the structure of one of the reports required of the Department, specifically, having to do with the level of information provided regarding cases and stated he would be interested in hearing from the Chief on that matter.

Chief Fong talked about the Chapter 96 Reporting – limited information. Chief Fong stated that there can be more disclosure in summary of finding. Reviewed LA's model concern some of accounts based on articles in media could actually identify the officer who was involved with the misconduct. Met with City Attorney, OCC to look at what's a middle ground where we give more what is currently there but not quite to the level of that of what the LA Sheriff's department has but it gives more information.

Director Allen stated he does have a copy of the draft.

PUBLIC COMMENT

Jakati Imani, Bay Area Police Watch, discuss concerns regarding the patterns and practices developing within the SFPD that nobody is keeping an eye on outside of the department.

Lois Boyd, Justice for Cammerin Boyd Campaign, discuss concerns regarding policy changes not being retroactive.

John Crew, ACLU, stated that he is encouraged that this item is being put for action soon. He commented on the L.A. Sheriff's Department's report and discussed the disclosure of names of officers involved.

Elvira Poller discussed concerns regarding non disclosure of police reports.

Commissioner Renne suggested that the Department meet with the POA prior to items being placed on the calendar.

**APPROVAL OF MINUTES OF THE POLICE COMMISSION MEETINGS OF AUGUST 11, 18, 25, 2004**

Public Comment
None

Motion to approve minutes by Commissioner Keane as to corrected by Commissioner Chan. Second by Commissioner Marshall. Approved 6-0.

**COMMISSION ANNOUNCEMENTS**

Public Comment
None

Commissioner Renne announced that next week will be a community meeting in the Richmond District. Richmond Recreation Center, 251 18th Avenue, at 6:00 p.m.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATIONS OF FUTURE COMMISSION MEETINGS**

Commissioner Chan asked the Department to report to the Commission in regards to grants and what is the nature and duties of the Grant Unit.

Thereafter the meeting was adjourned at 7:28 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/jc

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
PRESIDENT

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 27, 2004**
**6:00 p.m.**

**RICHMOND DISTRICT**
**Richmond Recreation Center**
**251 18th Avenue**
**San Francisco, California**

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OCT 25 2004

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10-25-04A11:05 RCVD

Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Commission Announcements (DISCUSSION ONLY)

4. Captain Sandra Tong, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District (DISCUSSION ONLY)

5. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

6. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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PRESIDENT

ANGELO QUARANTA
Vice President

SIDNEY CHAN
Commissioner

WAYNE FRIDAY
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, OCTOBER 27, 2004**
**6:00 p.m.**

**RICHMOND DISTRICT**
**Richmond Recreation Center**
**251 18th Avenue**
**San Francisco, California**

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### *KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE*

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

## SAN FRANCISCO POLICE
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**ndividuals with severe allergies, environmental illness, multiple chemical ensitivity** or related disabilities should call 553 1343 to discuss meeting accessibility. n order to assist the City's efforts to accommodate such people, attendees at public eetings are reminded that other attendees may be sensitive to various chemical ased products.

he proceeding will be held at: Richmond Recreation Center at 251 18th Avenue, SF

ccessible MUNI lines serving this location is: #1 California & #2 Clement
or information about MUNI service call 923 6142

he closest BART Station is: n/a

**Accessible parking** _____

**For information about the meeting call** 553-1667 **(v) or** 553-9194 **(tty)**

# The Richmond District Community Police Forum

*invites you to attend a meeting with the*

## *San Francisco Police Commission*

Residents and merchants have the opportunity to meet and address the San Francisco Police Commission, as well as, Chief Fong and the Command Staff
Captain Tong will also give a brief presentation regarding district concerns and enforcement.

**Wednesday, October 27, 2004 6 pm**

Richmond Recreation Center
251 18th Avenue

Limited parking is available at the public lot on 18th avenue near geary

*For more information:*
*Richmond Station, Officer Jill Connolly 666-8000*

**OCTOBER 27, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Richmond District, Richmond Recreation Center, 251 18th Avenue, San Francisco, at 6:09 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Kean, Sparks, Marshall, Veronese
ABSENT: Commissioner Orr-Smith

Commissioner Renne thanked Captain Fong and her staff and asked the Commissioner to introduce themselves.

**CHIEF'S REPORT**

**a. Review of Recent Activities**

Chief Fong welcomed the Commissioners and the public. She announced that from November 16th through November 22nd, the Department will be accepting applications for the rank of police officer.

Chief Fong introduced the members of the Command Staff. Present were Deputy Chief Parra, Commander Puccinelli, Commander Shinn, Deputy Chief Tabak, and Commander Harper.

Commissioner Sparks asked if the application drive is for one academy class or for all three academy classes. Chief Fong stated that once an eligibility list is established. That list can take the Department to up to three to four classes.

Public Comment
None

**OCC DIRECTOR'S REPORT**

**a. Report on the function of the Office of Citizen Complaints**

Director Allen described the function and duties of the Office of Citizen Complaints.

Public Comment
None

**COMMISSION ANNOUNCEMENTS**

No announcements.

**CAPTAIN SANDRA TONG, COMMANDING OFFICER OF RICHMOND STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT**

Captain Sandra Tong addressed the Commission on police activities in the Richmond District. She discussed the boundaries and staffing of the Richmond Station, and the current crime problems in the district.

Commissioner Chan asked about special events in Golden Gate Park. Captain Tong explained that Rec and Park will notify the permit officer that there's been an application for use of the park facilities. Rec and Park will notify event coordinators to get in touch with the permit officer or the captain. The Department will make the inquiry as to what type of event, how large, how many days and the department will make an evaluation. The Department relies on 10B staffing to help run special events.

Commissioner Sparks asked about homelessness in the park. Captain Tong stated that citations are issued to people who camp in the park. Citations are issued until the infractions goes up to $100 warning and then they are arrested to get them out of the park.

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Commissioner Veronese stated that there's got to be a better way to deal with the homeless and hopes that there is a better way to deal with this issue. Commissioner Veronese asked about Halloween and what the district is doing to keep the kids safe. Captain Tong stated that extra personnel are put out on the street during the holiday season.

Commissioner Marshall asked about gang activities in the district. Captain Tong stated that the Gang Task Force Unit, who deals with Asian gangs, keeps her appraised in what's going on with Asian gangs. Commissioner Marshall asked about the relationship between the officers and the community. Captain Tong stated that they have an excellent working relationship with the community. She stated that she received a call from Director Allen of the OCC and stated that there have been only three OCC complaints in the Richmond District.

Commissioner Keane stated that he lives in the community and stated that it is a very safe community and the Captain and the officers of Richmond do a wonderful job in working with the community.

**PUBLIC COMMENT**

David Heller, President of Greater Geary Boulevard Merchant Association, thanked the Commission for coming to the Richmond District. He stated that the district is having problems with graffiti and traffic enforcement. He stated that the district needs more officers. He also commended Captain Tong on how she works with the community.

Unidentified discussed concerns regarding fire escape problems.

Jean Lynch, 40+-year resident, Pedestrian Task Force member, discussed concerns regarding the traffic safety for the elderly and the disabled, and the children in the community. She also showed photos to the Commissioners.

Pat Calson, 35-year resident and Executive Director of the Richmond District Neighborhood Center, stated that she started attending police community meetings 15 years ago and stated that she feels safe in her neighborhood and stated that any time they call the Richmond Station, they are always there for them.

Christopher Chow, resident and Director of the Richmond Village Beacon, an after-school program ran by the Richmond District Neighborhood Center, discussed hate crimes in the schools. He discussed concerns in not seeing work being done on improving cross cultural understanding and working together.

Ms. Smith, 45-year resident, stated that she agrees with the previous speaker and stated that there is a need for a lot to be improved.

Unidentified stated that she sees kindness and respect from the police in the Richmond District.

Former teacher commended the SRO program in the Richmond District.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne stated that she will be with the City Attorney and the command staff regarding further items for the agenda.

Thereafter, the meeting was adjourned at 7:49 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, NOVEMBER 3, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

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***CLOSED SESSION (5:00 p.m. in Room 400)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Cod Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Andrew King v. City and County of San Francisco, USDC No. C03-4879

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the consent calendar (ACTION ITEM)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

7. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, NOVEMBER 3, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

9. Review of OCC Policy Recommendations presented to the Police Department from 1999 to present (DISCUSSION ONLY)

10. Commission Announcements (DISCUSSION ONLY)
    a. Assignment of disciplinary charges filed against Officer Michael D. Maxwell (File No. C04-096 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
    a. Andrew King v. City and County of San Francisco, USDC No. C03-4879

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, NOVEMBER 3, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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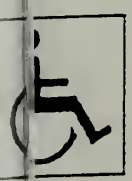
ased products.

he proceeding will be held at: City Hall, Room 263
31 Dr Carlton B. Goodlett Place, San Francisco

cessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness. 5 Fulton. 31 Balboa
or information about MUNI service call 923 6142

he closest BART Station is: Civic Center



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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**NOVEMBER 3, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:25 p.m., in Closed Session.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Chan to hold closed session. Second by Commissioner Marshall. Approved 6-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Andrew King v. City and County of San Francisco, USDC No. C03-4879

**NOVEMBER 3, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Keane not to disclose any or all discussion held in Closed Session. Second by Commissioner Orr-Smith. Approved 7-0.

Public Comment:

Patty Mae Robinson discussed concerns regarding information requested and never received.

**APPROVAL OF CONSENT CALENDAR**

Motion by Commissioner Orr-Smith to approve the Consent Calendar. Second by Commissioner Marshall. Approved 7-0.

**RESOLUTION NO. 93-04**

**ANDREW KING v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Andrew King v. City and County of San Francisco," in U.S. District Court No. C03-4879, be, and the same is hereby approved.

Date of Incident: December 18, 2002

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall,

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**PUBLIC COMMENT**

Unidentified commended the Department for improvements on the Department website. He also thanked the Department on behalf of the PTA when the department went to school sites to make sure that there are outreach to parents to do the correct thing and that the children are safe during drop off and pick up times.

Shannon Altamoreno, friend of Sheila Detoy, reminded the Commission and the Command Staff that tomorrow would have been Sheila's 24th birthday. She discussed concerns regarding the Sheila Detoy case and that in the last 6 ½ years nothing has happened to the case.

Mesha Irizarry, Idriss Stelley Foundation, discussed concerns regarding names of sex offenders not being released.

Unidentified discussed concerns regarding officers working too many hours.

**CHIEF'S REPORT**

**a. Review of Recent Activities**

Chief Fong reported on some of the good work done by officers in the different districts.

Chief Fong also discussed the Department's budget. She stated that the Mayor had a meeting with all Department heads to advise them that, because of lack of passage of two propositions, that over the next 18 months, the city as a whole would have to come up with additional funding because the budget was balanced based on revenues that were going to be brought in to the budget. As a result, as of tomorrow at 5:00 o'clock, the Department is responsible for giving a list of $3 million in cuts to the Mayor's Budget office. Every Department has been given a certain allotment and the Department will be working to see what cuts it can come up with without impacting service to the public.

Lieutenant Denise Schmitt, Staff Services, reported on recruitment efforts by the Department to make sure that the Department will have candidates that will represent the diversity of the City.

Commissioner Sparks asked about members that are detailed to the recruitment drive. Lieutenant Schmitt stated that the names of members are recommendations from the various employee groups. Commissioner Sparks asked about the process. Lt. Schmitt stated that the application process is the first step in testing for the next Civil Service eligibility list. Once the application process closes, the Examination Unit will set test dates for written, oral, and physical agility tests. The candidates will proceed through those steps and a certified list is created by the Civil Service Commission. From that list, it goes back to the Background Unit and the background process is began. Commissioner Sparks asked why only six days to accept applications. Lt. Schmitt stated that she can't really answer as to why but the recruitment effort has been going on since October.

Deputy Chief Parra explained that before there was only a one day application period as to the rules set by the Department of Human Resources and it was very successful. He stated that there was huge responses to those one day applications. At the present, it has been extended to seven days. Chief Parra stated that it's only seven days because he doesn't want to be caught without an active list. He stated that he thinks that there will be response and if not, he will look into extending the application period.

Commissioner Veronese asked if there is a concern that there will be too many applications. Deputy Chief Parra stated that yes there is a concern because there is only a certain amount of actual applications. He also stated

that the Department can only test approximately 2,000 at a time.

Commissioner Orr-Smith asked if the various police employee groups are working, do they have a plan of outreach that they are operating under. Lt. Schmitt stated that what was relied on from the employee groups was to identified specific events within their communities that they thought are important or that would be effective in reaching potential candidates. Commissioner Orr-Smith recommended community groups and organizations that may be effective in doing outreach.

Commissioner Veronese hopes that the Department is doing outreach to the different communities in the City. Lt. Schmitt stated that the Bayview officers were very responsive when Department bulletins went up.

Commissioner Sparks asked that in about two weeks if the Commission can get an update from the Lieutenant in regards to the recruitment drive.

Commissioner Marshall stated that OFJ has contacted him and they will be go on his radio program to let the community know about the application drive.

Commissioner Chan about the $3 million budget cut. Chief Fong stated that every Department was given a specific number and some were lower and some were higher. The SFPD is assigned $3 million preliminary and that hopefully it will not increase. Chief Fong stated that every department have to submit their cut plan by close of business tomorrow to the Mayor's Budget Office.

Commissioner Renne stated that because the two propositions did not pass, the City is $97 million behind this budget year.

Commissioner Sparks stated three to five percent of non-mandated discretionary spending is a significant amount. Chief Fong stated that it is extremely significant. Chief Fong also stated that the Mayor's Office have not mentioned that each Department would go back to the Board at this time. Commissioner Sparks asked if the Mayor's Office have approached the POA on looking at the contracts, MOUs and benefits. Chief Fong stated she will follow up on that and will keep the Commission apprised.

Public Comment:

Mesha Irizarry, Idriss Stelley Foundation, expressed concern regarding the budget cut specifically in regards to mental health training.

Patty Robinson discussed concerns regarding budget cut.

Leroy Moore expressed concern regarding mental health training for the officers.

George, Northbeach resident, stated that peace is important in the world.

**OCC DIRECTOR'S REPORT**

a. **Review of Recent Activities**

Director Allen introduced Attorney Samara Marion who will be handling the policy recommendations for the OCC and new Attorney Susan Leff.

Director Allen also stated that the OCC will be monitoring a Bay Area Police Watch march on Friday afternoon. Investigators will be present to pass out brochures and information cards to the people.

**REVIEW OF OCC POLICY RECOMMENDATIONS PRESENTED TO THE POLICE DEPARTMENT FROM 1999 TO PRESENT**

Captain Keohane, Risk Management, reported on the status of OCC policy recommendations. He stated that 25 policy recommendations have been identified and been provided to the Commission. Captain Keohane went through the different policy recommendations. Captain Keohane reported that the policies that OCC and the Department have agreed upon are 03-03, the policy concerning SFPD interaction with transgender individuals; 03-04, the protocol concerning guidelines to maintain incident report attachments; 00-01, questioning of transgender individuals; 99-01, reporting of prejudice-based incidents; 99-03, transporting persons who use mobility aids; 99-08, bicycle riding in lanes of traffic; 99-10, medical marijuana enforcement of health and safety code 11362.5; 99-12, distribution of written communications. Captain Keohane stated that those are the policies that the Department and the OCC have reached consensus.

Commissioner Marshall asked about policy recommendation 03-09. Captain Keohane stated that the Department have entered into dialogue with OCC to address their concerns. Captain Keohane stated that the eight that he read out are completely resolved. As far as the other ones, the OCC brought out other concerns which the Department and OCC are meeting on and discussing at this time.

Commissioner Sparks stated that there is nine that still need work, 16 that the Department believed were done but only eight had concurrence with the OCC. Captain Keohane stated that is correct. There is eight that are completely done, eight that is still being conferred with OCC, and nine that is still being worked on.

Director Allen explained that the book of policy recommendations were put together so that the Commission would have all the policy recommendations from the OCC; if they have been implemented, all the General Orders that have been done. What the Commission have is all the original policy recommendations and the work that had been done up to date which does not mean that there's agreement between the OCC and the Department on all of them.

Commissioner Keane stated that the Commission needs guidance because of the amount of materials involved. He asked a list from Director Allen as far as prioritizing which policy needs immediate attention and as to what's important and what's not important.

Commissioner Renne requested that, by next Monday, a memo be given to Sergeant Reilly for the Commission, of all policy recommendations and the status of each and which policies are considered a priority. Director Allen stated that can be arranged.

Commissioner Keane requested that, in prioritizing the policies, if there is an impasse, please include that in the list.

Commissioner Sparks commended the Department and the OCC for the amount of work that has been done.

Public Comment:

Leroy Moore discussed concerns regarding policy recommendations.

**COMMISSION ANNOUNCEMENTS**

a. **Assignment of disciplinary charges filed against Officer Michael D. Maxwell (File No. C04-096 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

**RESOLUTION NO. 94-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL D. MAXWELL (FILE NO. C04-096 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Michael D. Maxwell, Star No. 856, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Gayle Orr-Smith is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael D. Maxwell; therefore be it

RESOLVED, that Commissioner Gayle Orr-Smith is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael D. Maxwell, and is to be set at a later date.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

Public Comment:

None

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne announced that on November 8th, there will be a swearing in ceremony for Chief Fong and other members of the Department. Commissioner Orr-Smith will be present to represent the Commission.

Commissioner Keane stated that he teaches a class on Monday nights and will not be able to be at the ceremony and congratulated Chief Fong.

Commissioner Renne stated that discussion regarding diversity in the Department be on the agenda for December 1st.

Commissioner Veronese discussed concerns regarding backlog of OIS cases and stated that it should be a priority of the Commission to get resolution to the pending OIS cases.

Public Comment:

Unidentified discussed concerns regarding the police stopping his son and searching him.

Thereafter the meeting was adjourned at 7:50 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, NOVEMBER 10, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

***CLOSED SESSION (5:00 p.m. in Room 400)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Paul R. Lozada v. CCSF, San Francisco Superior Court No. 03-425888

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

6. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
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GAYLE ORR-SMITH
Vice President

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LT. EDWARD GESTER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, NOVEMBER 10, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Structured review of OCC Policy Recommendations presented to the Police Department from 1999 to present (DISCUSSION ONLY)

9. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer Ronald T. Liberta (File No. C04-198 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

10. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Commissioner

JOE VERONESE
Commissioner

LT EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, NOVEMBER 10, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

## *KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE*
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

# SAN FRANCISCO POLICE
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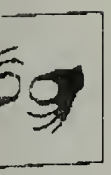

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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viduals with severe allergies, environmental illness, multiple chemical sitivity or related disabilities should call 553 1343 to discuss meeting accessibility. der to assist the City's efforts to accommodate such people, attendees at public tings are reminded that other attendees may be sensitive to various chemical d products.

proceeding will be held at: City Hall, Room 263
21 Dr Carlton B Goodlett Place, San Francisco

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47 Van Ness, 5 Fulton, 31 Balboa

nformation about MUNI service call 923 6142

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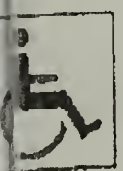

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**NOVEMBER 10, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:16 p.m., in Closed Session.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks
ABSENT: Commissioners Renne, Veronese

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Paul R. Lozada v. CCSF, San Francisco Superior Court No. 03-425888

**NOVEMBER 10, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Keane not to disclose any or all discussion held in Closed Session. Second by Commissioner Marshall. Approved 6-0.

**PUBLIC COMMENT**

Unidentified discussed concerns regarding shooting incidents in San Francisco and asked the Commission for crime mapping of these incidents.

Shannon Altamoreno, friend of Sheila Detoy, showed the Commission a picture of Sheila Detoy and asked the Commission to remember what happened to her and asked the Commission that officers involved be disciplined.

Commissioner Keane asked to see the picture of Ms. Detoy.

David Pilpel asked the Commission, due to the recent budget cuts, to consider meeting on the first and third Wednesdays and have the community meetings on the fourth Wednesday and taking the second week off.

**CHIEF'S REPORT**

**a. Review of Recent Activities**

Chief Fong reported on the good work done by the officers in the different districts during the past week. Chief Fong also announced that on November 16th the applications for Q-2 Police Officer position will be available. She also stated that every district stations will have applications along with different community organizations.

Commissioner Orr-Smith asked, with respect to the budget, how are demonstrations funded and is there adequate funding. Chief Fong stated that the Department is funded to provide all the services that is necessary. If there is a demonstration, the Department does not ask for additional funding, the Department uses on-duty resources with out stripping outlying stations.

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Commissioner Sparks thanked Chief Fong, Deputy Chief Parra, and Lt. Schmitt for detailing officers for the recruiting efforts. Commissioner Sparks also referred to a newspaper article regarding violence in the Bayview, Visitation Valley, and Excelsior. Commission Sparks stated that it seemed to be a high level of violence for a weekend. Commissioner Sparks asked if the Department is doing something specific in the Southeast part of the City to address these issues. Chief Fong stated that the Department is trying a number of initiatives in order to reduce the level of violence. Chief Fong explained that every District Captain has plans in place. There are officers assigned to the different housing communities and, in addition to that, the officers at the district stations are supported by the members of the Gang Task Force. Chief Fong stated that with the help of the community, violence can be stopped. Chief Fong explained that there is an improvement in communication and community involvement but it's a slow process.

Commissioner Veronese asked about the $3 million budget cut. Chief Fong stated that the Department is still working with the Mayor's Budget Office to try to figure out how that $3 million can be cut. Commissioner Veronese also asked for an update on the various shootings that have occurred over the years that have not been resolved. Chief Fong stated that in the Commission's packet on Friday, the Commission will have an updated list.

Commissioner Chan asked about civil gang injunctions. Chief Fong stated that the Department did do a following on Commissioner Chan's inquiry and the Chief stated that there is training next week to talk about civil injunctions in terms of such cases and Lt. Murphy, Gang Task Force, will be participating in that training so that the Department can work with the City Attorney's Office to figure out how to approach that.

Commissioner Keane requested for a two-line summary in regards to the OIS report that the Department will be including in the Commission's packet on Friday.

Commissioner Sparks asked if it is possible for the Department to contact the District Attorney's office in regards to the status of the Cammerin Boyd incident and report back to the Commission. Chief Fong stated that the Department have been checking on a weekly basis and will check again and report back to the Commission next week.

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen stated the OCC monitored a rally for the campaign for justice for Cammerin Boyd. The OCC also monitored an antiwar rally and stated that there were no incidents.

Public Comment:

None.

**STRUCTURED REVIEW OF OCC POLICY RECOMMENDATIONS PRESENTED TO THE POLICE DEPARTMENT FROM 1999 TO PRESENT**

Director Allen explained the packets presented to the Commission in regards to OCC Policy Recommendations presented to the Department from 1999 to present.

Director Allen discussed Policy Recommendations 04/#01, Officer-Involved Shootings and In-Custody Deaths. Director Allen stated that the Department have incorporated these recommendations into five Department

General Orders, 3.10, 3.16, 8.04, 8.09, and 8.11.

Commissioner Keane asked if Director Allen has seen the drafts and do the drafts incorporated the five OCC recommendations. Director Allen stated yes, he has seen the drafts and they do incorporate the five OCC policy recommendations.

Director Allen explained Policy Recommendation 03/#05, Providing Translators. Director Allen stated that a large percentage of OCC complaints are from non-English speaking individuals. He stated that the OCC feels that a citizen should be able to request a translator and the request should be granted.

Commissioner Chan asked when was the last time Director Allen has discussed the matter with the Department regarding translators. Director Allen stated Monday. Director Allen explained that OCC investigators are noticing that translators are needed so that the officers can fully understand the concerns of the citizens and so that the citizens can fully communicate to the officers their concerns.

Commissioner Orr-Smith stated that this item should be calendared for December 15th for discussion.

Director Allen explained Policy Recommendation 03#07, Amend DGO 7.01 to explicitly outline officers' responsibilities to juveniles. Director Allen stated that this item is scheduled before the Commission for November 17th.

Commissioner Sparks asked for an update on what the Commission's agenda items are for the next few weeks. Commissioner Sparks also stated that as soon as the Commission determine when these issues are going to be heard that the public be noticed in the bottom section of the agenda for the subsequent week so that the public have as much lead time as possible and that community organizations be contacted to make them aware that these issues are going to be discussed on a date certain.

Director Allen explained Policy Recommendation 03#06, Amending the Critical Incident Criteria to include incident involving significant bystander response and police action. The OCC believes that police-community relations can be significantly improved by the Department making it a priority to designate particular officers as police-community liaisons both during and after volatile incidents to provide information and de-escalate hostility. By defining this case and similar incidents involving significant community response as critical incidents, the Department would further its community policing goals by allocating resources, strategic planning, advanced officer training, and the expertise and presence of command staff that is generally dedicated to critical incidents.

Commissioner Sparks suggested that in dealing with this recommendation that we need to be careful that in looking at DGO 8.04, we're also looking at 8.04 dealing with 04/#01 and that there is consistency when 8.04 is addressed and that both sides of the discussion are kept in mind.

Director Allen explained Policy Recommendation 02/#02, Assessing and controlling potentially dangerous canines. He stated that there are a lot of complaints at the OCC in regards to canines being terminated. He stated that Animal Care and Control (ACC) be brought in to train the officers.

Commissioner Chan asked why this matter is before the Commission. Director Allen stated that it's before the Commission because the matter is before the OCC many times over. He stated there is a number of complaints in his office about animals being killed and in most situation, a gun was used. He stated that it's a concern to the community. Commissioner Chan stated that

wouldn't this be appropriately addressed by providing officers with the right tools in which to deal with canines and then have a general order crafted around that.

Commissioner Orr-Smith stated that the Department and the OCC are meeting about this issue and the Commission will wait for the results of this meeting.

Commissioner Keane asked Director Allen where in his list of priorities would be put the policy recommendation in regards to crowd control in schools. Director Allen stated that that issue is high on the list of priorities right behind officer-involved shootings. Director Allen also explained why recommendation 02/#2 is high on the list because many times this results in a gun being pulled and being fired in a situation where it is potentially dangerous to those around.

Director Allen went on to Policy Recommendation 03/#09, Prompt and appropriate medical treatment for juvenile and adult detainees. He stated that the primary concern was people who are detained would be medically screened and then released. If the screening resulted in some kind of medical assistance or aid rendered, the person, if they were solely detained, would be released to the street. He stated that the OCC and the Department are in agreement that providing a phone call, providing an option at the end of a detention, which could last up to three hours, if the person would like to receive medical attention would satisfy this policy recommendation.

Director Allen explained Policy Recommendation 03/#01, Service animals department bulletin/protocol on department bulletin re-issuance. Director Allen stated that the Department and the OCC is in agreement with the service animals bulletin but it's the department bulletin re-issuance that OCC is concerned with. Director Allen explained that department bulletins are issued every two years and after two years they expire. If there is a complaint of misconduct and the department bulletin has not been re-issued and has exceeded the two-year period, an officer has a right to say that that bulletin is no longer in issue and no longer applies.

Commissioner Keane asked Director Allen when the crowd control policy recommendation given to the Department. Director Allen stated that it was sent to the Department within the last several months but have not had any discussions with the Department and hopes that discussions will start within the next month. Commissioner Keane asked that it be calendared toward the end of January.

Commissioner Marshall and Commissioner Keane thanked Director Allen for his presentation.

Public Comment:

Steve Johnson, POA, stated that the POA have not seen all the changes that are recommended. He stated that the POA would like to meet and confer to iron out difficulties. Mr. Johnson also asked what ever happened to Tasers and the mediation process. He also encouraged the Commission to participate in ride-alongs. He also stated that the real issue to be addressed is the lack of personnel and hopes the Commission will take the time to get it done.

Captain Keohane stated that the Department and the OCC have worked very hard to reach consensus on the number of these issues. There were only three where there were an impasse. The first one is the issue of translators. There were two recommendations. The first one was a civilian request a translator or an officer's unable to provide services due to a language barrier. Captain Keohane stated that the Department agrees with the OCC, agrees with

the community that it is important and it is imperative the officers, in dealing with citizens or the public, have to communicate effectively. However, when it is said that "whenever a civilian request a translator," that's a very broad statement. For example are situations like a demonstration when people are asked to move. If somebody stops and says, I need a translator, do the officers stop their actions at that time and it also doesn't cover when people come up and they want non-police services. The Department have no objections to effectively communicating with the public, it's just the Department thinks that this specific policy recommendation is overly broad.

Captain Keohane explained the second area of impasse which is amending the critical incident criteria to include incidents involving significant bystanders' response to police actions. Captain Keohane stated that the specific policy goes to amend G.O. 8.01, Critical Incidents Response, Evaluation, Notification. Captain Keohane stated that to include incidents that involve significant bystander and/or community response in police action may not rise to a level of a riot, insurrection or potentially violent demonstration as currently required under G.O. 8.01 and to amend G.O. 8.01 to include designating specific officers the responsibility of answering questions posed by bystanders, providing information concerning the necessity and lawfulness of the police action and assisting in de-escalating hostility between bystanders and the police and the augment police academy and roll call training to conform to this change in policy. Captain Keohane stated that the Department has no objection and agrees with OCC. The question is what is significant bystander response and when does it occur. Part two, including designated officers; the Department feels that all officers should have the responsibility of de-escalating possible hostile situation. Captain Keohane stated that the Department agrees with the focus of the recommendation, it is just the implementation that the Department and OCC is discussing and that hopefully with changes in language and looking at it from different ways, they can come to a resolution.

Captain Keohane stated that there is one more area that the Department and the OCC has an impasse and that area was on policy recommendation 402-02 and the two recommendations are: (1) implement a procedure for filing and maintaining public intoxication reports to insure that they are preserved and accessible to the public to the same degree incident reports are. Captain Keohane stated that the forms have been provided to the Sheriffs' Department and a Department Bulletin is in place now so that whenever anybody is arrested for drunk, that form is filled out and maintained at the district stations. (2) Providing alcohol screening test to individuals arrested and booked for public intoxication. Captain Keohane stated that in looking at this recommendation when OCC initially drew it up, the OCC was misinformed that the Department have alcohol screening devices and that all officers have them and they're in all the stations. Captain Keohane stated that this is untrue and that the Department has one machine at the Traffic Bureau and one at Mission Station.

Captain Keohane stated that those are the only three, in all of their discussions, that they have reached an impasse. All the other ones they have worked through and have identified areas when they can come together and develop policy and that he thinks that they will be moving forward very rapidly.

Public Comment:

Marylon Boyd, Campaign for Justice for Cammerin Boyd, commented in regards to the officer-involved shooting policy and made comments in regards to the POA's comments. She also stated that there should be a policy in regards to police intimidation of witnesses. She also asked for more information in regards to disability training.

**COMMISSION ANNOUNCEMENTS**

a. **Assignment of disciplinary charges filed against Officer Ronald T. Liberta (File No. C04-198 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

**RESOLUTION NO. 95-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER RONALD T. LIBERTA (FILE NO. C04-198 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Ronald T. Liberta, Star No. 682, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ronald T. Liberta; therefore be it

RESOLVED, that Commissioner Theresa Sparks is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ronald T. Liberta, and is to be set at a later date.

AYES: Commissioners Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Veronese stated that he does not have any items but did ask the Commission to recognize the passing of two former Police Chiefs: Chief Scott who was made Police Chief under the administration of Mayor Joe Alioto, and Chief Hongisto who was made Chief under the administration of Mayor Frank Jordan. He asked that the Commission take a moment in memoriam.

Commissioner Chan asked that the Commission adjourn in honor of both former Chiefs. Second by Commissioner Keane. Approved 6-0.

Thereafter, the meeting was adjourned in memory of former Chief of Police Don Scott and former Chief of Police Richard Hongisto.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

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DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, NOVEMBER 17, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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*CLOSED SESSION (5:00 p.m. in Room 400)*

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Closed session to discuss pending litigation – Kalinan, et al. v. City and County of SanFrancisco, U.S. District Court for the Northern District of California, Case No. C 03 4928 (MHP)

*OPEN SESSION (5:30 p.m.)*

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the consent calendar (ACTION ITEM)

6. Public Comment
   **(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)**

7. Chief's Report (DISCUSSION ONLY)
   a. Update regarding Taser Weapon
   b. Status of proposed changes to Department General Order 2.04, "Citizen Complaints Against Officers," and Department General Order 2.05, "Citizen Complaints Against Non-Sworn Members"
   c. Review of Recent Activities

# The Police Commission

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Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, NOVEMBER 17, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Review of recent activity relating to the New York City Civilian Complaint Review Board

9. Discussion and possible action to approve revised General Order 7.01, "Juvenile Policies and Procedures" (ACTION ITEM)

10. Discussion and possible action to adopt Commissioner Keane's proposal to require additional reporting: (1) by the OCC on the status of OCC investigations and the caseloads of OCC investigators; and (2) by the Chief of Police on the status of MCD investigations, the status of sustained MCD cases, and the nature of sustained OCC cases. (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Request of the Chief of Police for approval to accept the following gifts from the San Francisco Clean City Coalition for use by the Department's Graffiti Abatement Unit:
   - Home Depot store credit for $2,500
   - Dell desk top computer and Dell color printer, valued at $2,500
   - Sony laptop computer, valued at $2,300

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
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WEDNESDAY, NOVEMBER 17, 2004
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
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**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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**NOVEMBER 17, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 4:00 p.m., in Closed Session.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Veronese
ABSENT: Commissioner Sparks

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Chan to hold Closed Session. Second by Commissioner Marshall. Approved 6-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Closed Session to discuss pending litigation - Kalinan, et al. v. City and County of San Francisco, U.S. District Court for the Northern District of California, Case No. C03-4928 (MHP)

**NOVEMBER 17, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 4:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Orr-Smith not to disclose any or all discussion held in Closed Session. Second by Commissioner Keane. Approved 7-0.

**APPROVAL OF CONSENT CALENDAR**

Motion by Commissioner Orr-Smith to approve the Consent Calendar. Second by Commissioner Keane. Approved 7-0.

**RESOLUTION NO. 96-04**

**APPROVAL TO ACCEPT THE FOLLOWING GIFTS FROM THE SAN FRANCISCO CLEAN CITY COALITION FOR USE BY THE DEPARTMENT'S GRAFFITI ABATEMENT UNIT: HOME DEPOT STORE CREDIT FOR $2,500; DELL DESKTOP COMPUTER AND DELL COLOR PRINTER, VALUED AT $2,500; AND SONY LAPTOP COMPUTER, VALUED AT $2,300**

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept the following gifts from the San Francisco Clean City Coalition for use by the Department's Graffiti Abatement Unit: Hope Depot Store credit for $2,500; Dell Desktop Computer and Dell Color Printer, valued

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at $2,500; and Sony Laptop Computer, valued at $2,300.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Marshall, Veronese

Officer Christopher Putz, Graffiti Abatement, explained on how the unit is working with the officers to educate them on how to deal with the issue of graffiti.

Mr. David Heller explained that around Geary Boulevard, there is a tremendous amount of graffiti and stated that through community policing, they were able to apprehend graffiti taggers on Geary. He also thanked the Command Staff and the Commissioner for accepting the donations.

Commissioner Keane thanked Mr. Heller for everything that he is doing around the Geary Boulevard area.

**PUBLIC COMMENT**

Richard Stipman discussed concerns regarding the police towing his R.V.

Unidentified congratulated the Commissioners for their appointment to the Police Commission. She also thanked the officers at Bayview Hunters Point for all the work that they are doing.

Francisco DeCosta, Director Environmental Justice Advocacy, discussed safety issues in the Bayview. He commended Captain Bruce for all that he is doing in the Bayview area.

Svetlana Kuff, Attorney and Commissioner Immigrant Rights Commission, expressed support for Commissioner Keane and Chief Fong. She stated that the Police Department and the Commission are doing an excellent job.

Barry Toronto, Taxi Driver Advocate, discussed concerns regarding blocking of Broadway Street. He stated that he is requesting a meeting with Commander Puccinelli and Captain Tacchini to try and see if they can work out a better way of how to handle the situation and to make it easier for cabs to get in and out of Northbeach without having to deal with officers. He also discussed concerns regarding 10B officers and citing of cab drivers at the Airport for having check engine lights on.

**CHIEF'S REPORT**

**a. Update regarding Taser Weapon**

**b. Status of proposed changes to Department General Order 2.04, "Citizen Complaints Against Officers" and Department General Order 2.05, "Citizen Complaints Against Non-Sworn Members"**

**c. Review of Recent Activities**

Deputy Chief Pengel, for Chief Fong, stated that there are three items on the Chief's Report. The update on the Taser will be presented by Deputy Chief Parra.

Deputy Chief Parra updated the Commission on where the Department is at in regards to the EMD (Electro Mascular Disruption Devices) policy. He stated that it has been presented to the Command Staff and from there it was presented to the City Attorney's Office as well as the Legal Division. He stated that he has received those back with modifications and then will present it again to the Command Staff. The next review will be conducted by the POA, OCC, and the ACLU before it can be brought to the Commission for approval.

Commissioner Veronese asked on how the new budget is going to affect the potential acceptance of the Taser Program. Deputy Chief Parra stated that as far as monies for the purchase of the actual device, there are no monies

for those. The Department will have to look at private entities for monies and is looking at a company called First Responders in holding fundraising events for the Department in order to pay for these. Probably $2 million is what the Department is looking at and it depends on how the fundraising events will go. Commissioner Veronese asked if the Department is studying the different incidents that are occurring around the U.S. in regards to tasers. Chief Parra stated that the Department have looked at each incidents that the Department has heard about, read about, or notified of from other agencies and tried to make general inquiries knowing that, because there is possible litigation with those departments, you may not have all the particular details of the actual deployment of the device and those issues are addressed in the policy proposal. Chief Parra stated he would like to have the policy in the hands of the next groups of review by the end of this week or the beginning of next week and then responding to the concerns of those particular entities. It may take a week or a couple of weeks before it is ready. Commissioner Veronese asked if the input of the street officers are being considered. Chief Parra stated that this is done through the presentation to the Uniform & Safety Committee which has taken place already and that exact issue is still under discussion as far room on the gun belt, weight of the device on the gun belt. The Uniform & Safety Committee has been discussing this and will be reconvening to discuss it further. Commissioner Veronese asked the comments from the various groups be included in the Department's presentation more importantly from the officers who will be using the tasers.

Commissioner Chan asked about metabolic acidosis and asked whether or not the Department is consulting with DPH or with trauma or emergency room personnel that may be familiar with that issue. Chief Parra stated that there was an independent review by Dr. Zokolosky, the Police Physician for SFPD.

Commissioner Orr-Smith asked if the Department is considering the pros and cons of using tasers toward juveniles and also the use of tasers in closed quarters and if the Department can report back to the Commission. Chief Parra stated that the Department have looked at the issue regarding juveniles and age and things of that nature.

Commissioner Sparks asked about the process. Commissioner Sparks stated that the Department is developing a policy, getting input from the various organizations and departments and interested parties but she stated that she doesn't remember any discussion with any type of action from the Commission as to whether or not the Commission wants to pursue tasers at all. She stated that without having a discussion in open hearing of whether or not this department should be looking at tasers, she is curious as to the process involved in how that discussion actually happened. Deputy Chief Parra stated that he agrees with Commissioner Sparks and stated that this is why the Department have not proceeded with any fund raising events at this time and the Department have not committed financially to any one or any particular thing. Chief Parra stated that it was prudent to do the research in advance before deciding yes or no rather than base decisions solely on stories heard, items seen in the media, why not get the information directly from the source and see if this is something that the Department would be interested in. Chief Parra stated that he would like to come before the Commission with as much information as he possibly can so that the Commission and the Department can make an informed decision.

Commissioner Orr-Smith stated that her thought was that the Commission viewed and observed the demonstration, receive the material, and then the Department was supposed to make a recommendation to the Commission and that that is what is going on now is preparing a report and proposal as to how it would be used and whether or not it would be appropriate to use. Deputy Chief Parra stated that his understanding was that the

Commission, having the ultimate say in all policies of the Police Department, and this was a piece of equipment that required a department-wide policy, that information had to be presented to the Commission for approval. Chief Parra stated that without a policy approval from the Commission, no EMD will be deployed to the street. Commissioner Orr-Smith asked if the proposal that is being prepared would describe how the Department would proposed to use it, why the Department would like to use it, how it would be allocated, where it would be deployed, in which district stations. Deputy Chief Parra stated that yes.

Commissioner Marshall asked with regard to funding, is there a possibility that Federal money be available. Chief Parra stated that yes there is a possibility but not at this present time.

Chief Parra also reported on the recent recruitment drive. He mentioned some of the various community organizations and websites to promote recruitment. Chief Parra also showed a PSA that is being broadcast on different television channels and KGO radio.

Commissioner Sparks thanked Chief Parra for his update on recruitment. Deputy Chief Parra also explained that the officers out there on the streets are the best recruiters and the daily contact with the public, they'll be asked about it and hopefully they'll be able to refer them to the proper phone numbers and websites.

Commissioner Marshall thanked Inspector Julian Hill, OFJ, for coming on Sunday night on KMEL and stated that Inspector Hill did a good job in talking about the recruitment drive and gave addresses and talked about his own experiences.

Captain Keohane, Risk Management, addressed that status of proposed changes to Department General Order 2.04, "Citizen Complaints Against Officers," and Department General Order 2.05, "Citizen Complaints Against Non-Sworn Members." He stated that the rewrites of these general orders were generated through the proposal by Commissioner Keane for reporting requirements of both OCC and the Police Department. Captain Keohane stated that the Department felt that these reporting mandates could be best incorporated into these two general orders if the proposal is adopted.

The orders were redrafted and forwarded on November 3rd to the OCC, the City Attorney, the POA, and the ACLU for comments. On November 9th, the Department met with the POA and also received correspondence from the ACLU. On November 16th, further correspondence from the ACLU was received. On November 16th, the Department met with OCC for their input. The Department and the OCC agreed on proposed compromised language for the summary of allegations that generated this general order. Captain Keohane stated that within the next two to three weeks to meet and confer with the parties involved and hopefully have a final order to be presented to the Commission.

Commissioner Keane thanked Captain Keohane for his report.

Commissioner Sparks asked if there is an update on officer-involved shootings. Deputy Chief Pengel stated that, since the Chief is not present tonight, there will be no update on that. Commissioner Sparks asked that it be calendared for December 1st.

PUBLIC COMMENT:

John Crew, ACLU, discussed concerns regarding the general orders discussed. He asked that the Commission do not act on item 10. He also

discussed concerns in regards to tasers. He asked for a copy of the report that the Department's physician have prepared. He also stated that he will submit the ACLU materials to the department and would appreciate response from the Department.

Malaika Parker, Bay Area Police Watch, agrees with John Crew and discussed concerns about the lack of reporting in regards to officer-involved shootings.

**OCC DIRECTOR'S REPORT**

a. **Review of Recent Activities**

b. **Review of recent activity relating to the New York City Civilian Complaint Review Board**

Director Kevin Allen reported on the recent activities of the OCC. They met with SAFE to educate them on the functions and duties of the OCC. Director Allen deferred his time to Jason Wechter to talk about the New York City Civilian Complaint Review Board.

Jason Wechter talked about the New York City Civilian Complaint Review Board. He stated that it is the largest civilian oversight agency in the United States and have been in existence since 1953. He talked about their outreach program and stated that they have three people who are devoted full time to outreach. They make 100 presentations each year. These presentations includes the description of what their agency does and they have a handout of an individual rights when they are stopped and questioned by the police. He also talked about their database system. They also have a 3-1-1 telephone system where a citizen can dial 3-1-1, 24 hours, 7 days a week, to make a complaint against a police officer.

Commissioner Veronese asked how many complaints OCC received in 2003. Mr. Wechter stated 1,057. Commissioner Veronese asked how a department 15 times the size of SFPD is only getting four times as many complaints. Mr. Wechter stated they have a very detailed patrol guide, 1100 pages. He also explained that the OCC investigates complaints that they do not. Those complaints are sent directly to the NYPD for investigation.

Commissioner Marshall asked how is New York dealing with reducing complaints against officers. Mr. Wechter stated that sustained cases goes to a panel analogous to the Police Commission. It's a 13-member board with 5 members appointed by the City Council, 5 by the Mayor, and 3 by the Chief of Police. The investigators make a recommendation to that board which then hears the case and makes final determination. If the case is sustained, it is sent to the Chief of Police for disciplinary action. The department imposes discipline in 80 percent of sustained cases.

Commissioner Keane asked in regards to the effectiveness of the process, is there an observation that can be brought to the Commission in regard to the structure and the methodology and the procedures in a particularly better way than what San Francisco is doing. Mr. Wechter stated that their procedure are fairly similar to those of the OCC. Director Allen responded by saying that things that he's noticed that is different is for cases coming in, they do not investigate a case that's over 45 to 60 days old from the incident. The cases coming in are fresh, the incident has just occurred. The Director can direct mediation. Director Allen stated that there are two things that come to mind as far as improving the process. He stated that having alternative mediation, upping the OCC's ability to handle cases and upping the OCC's ability to direct cases to areas where the result will be beneficial to both the officer and to the complainant and, #2, staying consistent at the Chief's level and at the Commission level in hearing cases and having cases move through because it is not fair to the complainant to have cases pending. It is also not fair to the officers to have cases pending.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 7.01, "JUVENILE POLICIES AND PROCEDURES"**

Captain Marsha Ashe, Juvenile Division, addressed the Commission in regards to General Order 7.01. Captain Ashe stated that this general order addresses changes in State law, Federal guidelines, in dealing when in contact with juveniles in a police setting.

Commissioner Renne asked if this general order has been circulated with the OCC and the POA. Captain Ashe stated yes, this general order have gone through the formal review process.

Commissioner Orr-Smith asked about mental health issues. Captain Ashe stated that that is covered under General Order 7.02. Captain Ashe stated that the Department of Psychiatric Emergency Services is called when the police is in contact with juveniles with acute psychiatric distress.

Commissioner Keane asked if there is language that is not mandated by State law. Captain Ashe stated that for the most part, General Order 7.01 reflects State statute in title 15.

Commissioner Chan asked about secured detention of juveniles. Captain Ashe explained that section 2(a) through (e) has some Department discretion and section 3(a) through (f) are State statute. Commissioner Chan stated that he is ready to move forward with this item.

Commissioner Veronese asked for a copy of the general order that states which sections are State statute and which are not.

Commissioner Marshall stated that he agrees with Commissioner Chan.

Commissioner Orr-Smith asked that this item be circulated to the community with other general orders dealing with juveniles referenced for better understanding.

Commissioner Renne expressed concerns in moving things along.

PUBLIC COMMENT:

Maggie Roberts, Attorney for Protection and Advocacy, stated that she reviewed the general order and felt that it does not address the needs of juveniles with disabilities.

Denise Coleman, Director of Community Assessment & Referral Center (CARC) & co-chairman to the Juvenile Justice Providers Association, stated that she just found out about this general order a few hours before this meeting. She discussed concerns about not knowing what in the general order is mandated and what is discretion. She stated that when youths are arrested they do not need to go to YGC, they can go to CARC. She stated that it is mentioned in the general order but only as an afterthought and just with respect to particular forms that can be filled out.

Peter Loderberg, Youth Commission, stated that they just received copies of general order today and asked the Commission for time to review the general order before approval.

Ismael, Youth Justice Project, discussed concerns regarding not seeing the general order beforehand.

Ioka Turner, District 11 resident, stated the documents have not been made public previous to this meeting and asked the Commission to postpone action on this item until the community can have input on the general order.

Director Kevin Allen, OCC, addressed concerns of the OCC and stated

that the OCC agrees that the general order does track the law fairly closely but there are issues that need to be dealt with and asked the Commission to stay on top of the issues that were brought up by the community.

Commissioner Chan stated that he thinks the source of confusion is that the general order is drafted as policies and procedures. The purpose of the order is designed to conform as reasonably as possible the procedures regarding arrest, detention, and diversion to State law. He stated that the intent of the Commission would be to approve this with the understanding and with the intent that the Commission is attempting to conform practices to that of higher authority.

Commissioner Marshall stated that he is concern with the phrase "I just got it today." He asked if there is a way that that can be avoided.

Commissioner Renne explained that that is the reason that general orders are calendared for discussion so that the public will know and have a chance to comment. She stated that she thought that this item had been for discussion months ago.

Commissioner Veronese asked that all general orders are made public to all interested groups as determined by the OCC at least two weeks prior to being submitted to the Commission.

Commissioner Orr-Smith stated that the Commission needs to be very thorough and this item should be continued for December 15th where further public comments can be taken.

Commissioner Renne asked that the text of the general order be posted on the website.

Motion by Commissioner Orr-Smith to continue this item on December 15th. Second by Commissioner Keane. Approved 6-1.

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks, Veronese
NAYS: Commissioner Chan

**DISCUSSION AND POSSIBLE ACTION TO ADOPT COMMISSIONER KEANE'S PROPOSAL TO REQUIRE ADDITIONAL REPORTING: (1) BY THE OCC ON THE STATUS OF OCC INVESTIGATIONS AND THE CASELOADS TO OCC INVESTIGATORS; AND (2) BY THE CHIEF OF POLICE ON THE STATUS OF MCD INVESTIGATIONS, THE STATUS OF SUSTAINED MCD CASES, AND THE NATURE OF SUSTAINED OCC CASES**

Deputy Chief Attorney Mariam Morley stated that the Commission has before them, for action, two resolutions: one directed to the OCC and one to the SFPD with required reporting to the Police Commission and in some instances to the Board of Supervisors on pending disciplinary cases. These resolutions have come before the Commission for discussion twice.

Commissioner Keane would like to move the resolution as the Commission have it tonight. Second by Commissioner Marshall.

PUBLIC COMMENT:

John Crew, ACLU, encouraged the Commission to act on this item tonight. He asked the Commission why the people of San Francisco should get less information about their complaint and discipline system than the residence in Los Angeles County.

Captain Keohane, in response to Mr. Crew's comments, stated that San Francisco is 49 square miles with a population of approximately 650,000 people with 2000 sworn officers. He stated that when officers are alleged to have committed misconduct often times is on the paper. He stated that if that complaint is put on the internet also, that officer may be readily identified. Captain Keohane asked if can that be compared to Los Angeles County. He stated Los Angeles County as of December 31, 1995, a total of 2,557,754 citizens in an area of 3,171 square miles received direct law enforcement from the Los Angeles County Sheriffs Department and this is with 8,028 sworn officers. The reason the Department would like the less specific language is to keep the Department out of possible litigation where the Department may be identifying officers or putting in the website where officers can be identified.

Commissioner Renne asked if this was seen by the POA. Captain Keohane stated that that was done.

Motion by Commissioner Keane to amend the resolution so that the language be in conformity with Exhibit A, which is in the materials entitled DGO 2.05, 11/1/04, Exhibit A.

**RESOLUTION NO. 97-04**

**ADOPTION OF COMMISSIONER KEANE'S PROPOSAL TO REQUIRE ADDITIONAL REPORTING: (1) BY THE OCC ON THE STATUS OF OCC INVESTIGATIONS AND THE CASELOADS OF OCC INVESTIGATORS; AND (2) BY THE CHIEF OF POLICE ON THE STATUS OF MCD CASES, AND THE NATURE OF SUSTAINED OCC CASES**

**Resolution requiring the OCC to report to the Police Commission regarding pending disciplinary case**

WHEREAS, reporting on the status of OCC investigations is necessary to maintain public confidence in San Francisco's system of police accountability; and

WHEREAS, it is the responsibility of the Police Commission to oversee the Police Department and to maintain public confidence in the Department's accountability system; and

WHEREAS, S.F. Charter §4.127 requires the OCC to issue, in accordance with the Rules of the Police Commission, three types of reports, as follows: 1) monthly summaries of the complaints the OCC has received; 2) quarterly reports concerning SFPD policies or practices which could be changed to avoid unnecessary tension with the public; and 3) quarterly statistical reports regarding the number and type of citizen complaints the OCC receives, the outcome of the investigations of those complaints, and the discipline imposed, if any.

WHEREAS, the OCC currently provides the Board of Supervisors and the Police Commission with the quarterly statistical report described above, the OCC does not currently issue monthly reports and does not issue a quarterly report of its policy recommendations; and

WHEREAS, the Commission has not issued rules or guidelines governing the reports that Charter section 4.127 requires; and

WHEREAS, information about OCC operations, in addition to the information required by Charter section 4.127, will assist and will help the Police Commission to ensure that the OCC fulfills its Charter mandate to promptly, fairly, and impartially investigate all citizen complaints of police

misconduct by members of the SFPD; and

WHEREAS, useful additional information about OCC operations includes the status of cases currently under investigation, and the caseloads of OCC's investigators; therefore, be it

RESOLVED, that the OCC shall provide the Police Commission with the following reports:

1. MONTHLY REPORTS OF COMPLAINTS RECEIVED. In accordance with S.F. Charter section 4.127, the OCC shall prepare and submit to the Police Commission a monthly report of the complaints received, including, but not limited to, the number and type of complaints filed; and

2. QUARTERLY REPORTS OF PENDING OCC INVESTIGATIONS. S.F. Charter section 4.127 requires the OCC to prepare a quarterly report for the Board of Supervisors that includes, but is not limited to, the number and type of complaints filed, the outcome of the complaints, and a review of the disciplinary action taken. This report shall also include the status of all open investigations of citizen complaints, including, but not limited to, the date the complaint was received by the OCC, the date that the OCC completed the complaint intake process, the date that the OCC completed its investigation and all internal review, the date that the Director completed his or her review and closed the case, or, if the case was transmitted to the Chief of Police with a recommendation for discipline, the date that the Director transmitted the case to the Chief. Prior to submission to the Board of Supervisors, the Director of the OCC shall submit a copy of this report to the Police Commission for its review.

3. QUARTERLY REPORTS OF RECOMMENDATIONS FOR CHANGES TO DEPARTMENT POLICY AND PRACTICES. In accordance with S.F. Charter section 4.127, the OCC shall prepare and submit quarterly to the Police Commission and the Chief of Police a report of its policy recommendations. These recommendations shall identify modifications to SFPD policies and practices that will avoid unnecessary tension with the public, or a definable segment of the public, while ensuring effective police services.

4. ANNUAL REPORT OF INVESTIGATOR CASELOADS. In conjunction with OCC's annual report submitted to the Board of Supervisors pursuant to S.F. Charter section 4.103, the Director of the OCC shall present to the Police Commission annually a report on the number of cases closed per quarter, the number of closed cases that were sustained, and the number of cases assigned to each investigator.

The OCC shall also post on its website a copy of each report described above within ten days of its issuance.

**Resolution requiring the SFPD to report to the Police Commission regarding pending disciplinary cases**

WHEREAS, reporting on the status of sustained OCC and MCD cases is essential to prevent the dismissal of sustained cases of police misconduct; and

WHEREAS, the S.F. Administrative Code requires monthly reporting of the status of sustained OCC cases, but there are no similar provisions for reporting on sustained cases investigated internally by the Police Department

through MCD; and

WHEREAS, it is the responsibility of the Police Commission to oversee the Police Department and to maintain public confidence in the Department's accountability systems; and

WHEREAS, the S.F. Charter requires public, quarterly reporting of statistics regarding the number, type, and disposition of citizen complaints the OCC receives, the outcome of the investigations, and the discipline imposed, if any, there are currently no requirements for the public reporting of the status of open MCD investigations; therefore, be it

RESOLVED, that the SFPD shall provide the Police Commission with the following reports:

1. MONTHLY REPORTS ON PENDING OCC CASES. Chapter 96 of the City's Administrative Code requires the Chief of Police to report monthly, in writing, to the OCC, the Police Commission, and the public on the status of all sustained complaints the OCC has transmitted to the Police Department for review and determination of appropriate action.

    a. CHIEF'S DECISION PENDING. For each sustained OCC complaint for which the Chief of Police has not yet issued a decision on the discipline to be imposed, if any, the monthly report shall set forth the number of the complaint, the date the complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, a factual summary of the complaint's allegations (in a form similar to the descriptions attached hereto as Exhibit A), a summary of the OCC's findings, the current status of the complaint within the Police Department, and the date by which the Chief of Police expects to issue a decision.

    b. CHIEF'S DECISION MADE. For each sustained OCC complaint for which the Chief of Police has issued a decision on the discipline to be imposed, if any, the report shall set forth the number of the complaint, the date the complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, a factual summary of the complaint's allegations (in a form similar to the descriptions attached hereto as Exhibit A), a summary of the OCC's findings, the date on which the Chief of Police issued a decision, the discipline imposed, if any, and the date of any discipline imposed.

2. MONTHLY REPORTS ON PENDING MCD CASES. In addition to the monthly reports required by Chapter 96 of the Administrative Code, the Chief of Police shall report monthly, in writing, to the Police Commission and the public on the status of all sustained complaints that MCD has transmitted to the Chief for review and determination of appropriate action.

    a. CHIEF'S DECISION PENDING. For each sustained MCD case for which the Chief of Police has not yet issued a decision on the discipline to be imposed, if any, the monthly report shall set forth the number of the case, the date the underlying information was received, the date on which MCD transmitted the investigation to the Chief for decision, a factual summary of the misconduct alleged (in a form similar to the descriptions attached hereto as Exhibit A), a summary of MCD's findings, the current status of the case within the Police Department, and the date by which the Chief of Police expects to issue a decision.

b. CHIEF'S DECISION MADE. For each sustained MCD case for which the Chief of Police has issued a decision on the discipline to be imposed, if any, the report shall set forth the number of the case, the date the underlying information was received, the date on which MCD transmitted the complaint to the Chief for decision, a factual summary of the misconduct alleged (in a form similar to the descriptions attached hereto as Exhibit A), a summary of the MCD's findings, the date on which the Chief of Police issued a decision, the discipline imposed, if any, and the date of any discipline imposed.

3. QUARTERLY REPORTS OF PENDING MCD INVESTIGATIONS. S.F. Charter section 4.127 requires the OCC to prepare a quarterly report for the Board of Supervisors regarding the number, type and disposition of complaints filed with the OCC. The Chief of Police shall likewise prepare a quarterly report for the Police Commission, with a copy to the Board of Supervisors, including, but not be limited to, the number and type of MCD investigations initiated during the quarter, the outcome of any completed MCD investigations, including the number of cases sustained, a review of any disciplinary action taken, and the number of cases dismissed, if any, for failure to comply with the statute of limitations contained in Government Code section 3304(d).

The SFPD shall also post on its website a copy of each report described above within ten days of its issuance.

**EXHIBIT A**

**SUMMARY OF ALLEGATION**: The officers initiated a traffic stop without justification.

**SUMMARY OF ALLEGATION**: The officers detained two citizens at gunpoint without justification.

**SUMMARY OF ALLEGATION**: The officers used excessive force during a detention.

**SUMMARY OF ALLEGATION**: The officers searched a vehicle without cause.

**SUMMARY OF ALLEGATION**: The officers misrepresented the truth.

**SUMMARY OF ALLEGATION**: The officers handcuffed civilians without justification.

**SUMMARY OF ALLEGATION**: The officer failed to issue Certificates of Release.

**SUMMARY OF ALLEGATION**: The officers failed to write an Incident Report.

**SUMMARY OF ALLEGATION**: The officers failed to report and/or record the use of force.

**SUMMARY OF ALLEGATION**: The officer made inappropriate comments to the complainant.

**SUMMARY OF ALLEGATION**: The officers failed to maintain and employ required knowledge regarding crowd control.

**SUMMARY OF ALLEGATION**: The officers failed to provide medical assistance.

**SUMMARY OF ALLEGATION**: Command Staff failed to properly supervise officers at the incident.

**SUMMARY OF ALLEGATION**: The officers used profane language in dealing with the student body.

**SUMMARY OF ALLEGATION**: The officers utilized selective enforcement in dealing with the students.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Veronese
NAYS: Commissioner Sparks

**COMMISSION ANNOUNCEMENTS**

Commissioner Renne announced that there will be no meeting until December 1st.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Sparks asked to scheduled the Officer-involved shootings and to make sure, in this section of the agenda, that it is identified. Commissioner Sparks also asked Sergeant Reilly to write a memo to the Commission on how documents are publicized and in what time frame.

Commissioner Chan would like a to hear a progress report with respect to the activities of the Graffiti Abatement Unit.

Commissioner Veronese asked that the Commission set up some kind of protocol in regards to public notice where general orders are posted to the public ahead of time.

Thereafter, the meeting was adjourned at 8:51 p.m.

Joseph C. Reilly

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
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GAYLE ORR-SMITH
Vice President

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Commissioner

PETER KEANE
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THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

Cancelled

## REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Police Commission will not meet on **Wednesday, November 24, 2004**. The next meeting will be on **Wednesday, December 1, 2004**, at 5:30 p.m., in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco.

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# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, DECEMBER 1, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

***CLOSED SESSION (5:00 p.m. in Room 400)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Linda Vaccarezza v. City and County of San Francisco, et al., No. C04-1021 WHA

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the Consent Calendar (ACTION ITEM)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Update on recent Q-2 Police Officer Recruitment Drive

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

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# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, DECEMBER 1, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

9. Report form the Police Department regarding the status of pending investigations of officer-involved shootings (DISCUSSION ONLY)

10. Discussion and possible action to approve modification of the current 28-day work period under the Fair Labor Standards Act for sworn members of the Department, so that the work period begins on Saturday, November 20, 2004 at 12:01 a.m., and concludes on Friday, December 17, 2004 at 12:00 p.m., and continues to report in 28-day periods. (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:

   a. Linda Vaccarezza v. City and County of San Francisco, et al., No. C04-1021 WHA

*** * * * SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, DECEMBER 1, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### *KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE*
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

leting agendas and other print materials will be made available in alternate formats computer disk, cassette tape, large print or Braille) upon advance request at least 72 ours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 55 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

ndviduals with severe allergies, environmental illness, multiple chemical ersitivity or related disabilities should call 553 1343 to discuss meeting accessibility. n order to assist the City's efforts to accommodate such people, attendees at public neetings are reminded that other attendees may be sensitive to various chemical ased products.

The proceeding will be held at: City Hall, Room 263 1 Dr Carlton B. Goodlett Place, San Francisco

Accessible MUNI lines serving this location is: 49 Van Ness;Mission 47 Van Ness, 5 Fulton, 31 Balboa

For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

**DECEMBER 1, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Renne, Orr-Smith, Keane, Sparks
ABSENT: Commissioners Chan, Marshall, Veronese

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Keane to hold Closed Session. Second by Commissioner Sparks. Approved 4-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Linda Vaccarezza v. City and County of San Francisco, et al., No. C04-1021 WHA

**DECEMBER 1, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:31 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Orr-Smith for non disclosure. Second by Commissioner Keane. Approved 6-0.

**APPROVAL OF THE CONSENT CALENDAR**

Motion by Commissioner Keane to approve the Consent Calendar. Second by Commissioner Orr-Smith. Approved 6-0.

**RESOLUTION NO. 98-04**

**LINDA VACCAREZZA v. CITY AND COUNTY OF SAN FRANCISCO et al.**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Linda Vaccarezza v. City and County of San Francisco et al.," in U.S. District Court No. C04-1021, be, and the same is hereby approved.

Date of Incident: March 20, 2003

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AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Sparks, Veronese
ABSENT: Commissioner Marshall

**PUBLIC COMMENT**

Richard Stipman discussed concerns regarding actions of police.

**CHIEF'S REPORT**

**a. Update on significant policing efforts by Department members**
**b. Update on recent Q-2 Police Officer Recruitment Drive**

Chief Fong reported on policing efforts by the Department during the past week. Chief Fong reported on great police work done by the members of the Department in different police districts.

Lieutenant Denise Schmitt, Staff Services Division, reported on the recent Q-2 Police Officer Recruitment Drive. She stated that the goal was to publicize the application drive to reach out to various communities throughout the city and the Bay Area and try to get enough candidates to reflect the diversity. She stated that the recruitment drive which ran from November 18th through November 22nd was one of the most successful drives the Department's had. As of this date the count is approximately 2,394 applications for the Q2 police test.

Commissioner Orr-Smith asked about the Taser weapon and asked the Chief to get information from Amnesty International. Chief Fong stated that she received correspondence from the ACLU and will be reviewing all the documents before reporting back to the Commission with additional information. Commissioner Orr-Smith asked about the smart sensor technology and asked the Chief to look into it and report back to the Commission.

Commissioner Sparks thanked the Chief for responding to an incident regarding a poster that was put up and that she found personally offensive. Commissioner Sparks stated that the posters were immediately taken down and an MCD and EEO investigations were started.

Commissioner Chan asked about a grant regarding mandatory training for Class C protective suits and asked about what the grant is about. Chief Fong explained the UASI Grant stands for Urban Area Security Initiative which are grant fundings from the Federal level that are distributed to regions across the country specifically for homeland security purposes.

Commissioner Chan also asked about the Marine Unit and their functions in regards to container traffic moving through the bay. Chief Fong explained that the Marine Unit coordinates with the Coast Guards as necessary but it is not their primary function unless requested by the Coast Guards. The Marine Unit patrols the bay waters and handle special events that may involve a lot of boats in the water.

Commissioner Veronese asked about not seeing homeless people on Van Ness Avenue. Chief Fong stated that Prop M went into effect in June of this year and so it is against the law to panhandle from the median divide and Department has worked with the Department of Human Services to let people know that this is a violation of the law. Chief Fong stated that the goal is not to cite. The goal is to change the behavior and to get the resources that is necessary to help this person get on their feet and off the street corner.

Public Comment:
None

## OCC DIRECTOR'S REPORT

**a. Review of Recent Activities**

Attorney Samara Marion, for Director Allen, reported on two issues. The first one is that four of their investigators will be receiving training on the issue of officer-involved training. The second item is that she's been meeting with the Department concerning the translator issue. She stated that she presented a draft department general order to the Department concerning the translator issue.

Public Comment:
None

## REPORT FROM THE POLICE DEPARTMENT REGARDING THE STATUS OF PENDING INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS

Captain Keohane reported on the status of pending officer-involved shootings investigations. Captain Keohane explained the report in regards to the OIS investigations. He stated that, as of today's date, 12 of the cases have been completed and five cases have gone forward meaning the investigations have been completed and forwarded to the officer-in-charge of the Management Control Division, who did the final analysis. His conclusion was forwarded to the Risk Management Office and then forwarded to the Chief of Police. The Chief did the final review and had a report summary prepared. On these five cases, report summaries have been prepared and will be reviewed by the Chief of Police and hopefully the Commission will have these documents by Friday.

Commissioner Orr-Smith thanked Captain Keohane for his report and asked about the process and if there is a standard time line for when families can have information to help them move forward, for example the death certificate. Captain Keohane stated that the death certificate comes from the Department of Public Health and not the Police Department.

Commissioner Veronese asked about the Sheila Detoy case. Captain Keohane stated that the 26 open cases date back to the year 2000 and prior to 2000 should be closed.

Commissioner Chan stated that there is a status conference set for December 7th and the matter is set for the taking of evidence for the 16th depending on the outcome of the status conference. Ms. Morley explained that the charged officers in the Detoy matter have filed a writ challenging the previous Commission's decision not to dismiss the action on statute of limitation grounds and that has been set for hearing on January 28th of next year. That case will not appear on this list because that list consists of cases that are still being investigated by the Department's Management Control Division and that have not yet been decided in terms of disciplinary charges.

Commissioner Veronese asked about the cases that occurred in the year 2000 that are still open. Captain Keohane explained that, in one of the cases, the investigator that was first assigned to that case was transferred out of the unit and it's been reassigned and should be close shortly. Commissioner Veronese asked about the cases that are "in policy." Captain Keohane explained that those cases have not only been finished with the investigative but have also gone through an evaluation by the Management Control Division Lieutenant, the Risk Management Captain, and the Chief of Police. Judging from the contents of the investigation and the materials provided, it was determined through this process that the officers' actions were within policy of the Department. He stated that the facts that led to this conclusion will be presented within the summary letter that will be presented to the Commission.

Commissioner Chan asked about case #003-00 and asked why it takes

so long to complete an investigation in this particular matter. Captain Keohane stated that he can't address this particular matter but gave a rationale as to why. Captain Keohane stated that he can't explain as to why it took so long but now that he has these cases, they can be prioritized. Commissioner Chan asked about case #004-01. Captain Keohane stated that he would like to clear these cases as quickly as possible and the goal is to have most of them done by the first quarter of 2005 and have the whole list done by the end of the fiscal year. Captain Keohane stated that there will be general orders that will be brought before the Commission with time lines for the investigation completion, when homicide should be done, when MCD should be done, when it should go to the Firearm Discharge Review Board, and when it should come before the Commission and if these time lines aren't met, the Commission will be receiving written memorandums stating why or the circumstances that preclude each of those steps being completed on a timely basis.

Commissioner Sparks asked about the Detoy matter and if a summary was submitted to the previous Commission. Chief Fong explained that it was an OCC investigation that resulted in charges being filed in the Detoy matter and that is the case that is currently pending before the Commission and the summary should have been completed and she will confirm that and notify Sergeant Reilly.

Commissioner Sparks asked Captain Keohane to explain what is being done to clear these cases as quickly as possible. Captain Keohane explained that once the investigation is completed with MCD, it goes to the Lieutenant who does an evaluation, sends it to the Risk Management office for concurrence, and then on to the Chief of Police. If there is a complete concurrence, then it will go back to the MCD lieutenant who would write the summary report to the Commission. With the number of cases pending and the time to do a thorough evaluation, this is a very time-consuming task. To speed the process up, under the Chief's direction, five individuals with investigative skills and good communication ability, sat down and went over the cases and developed a format to be presented to the Commission. Each one of the five took one of the cases and over the Thanksgiving holiday, wrote up the summary reports so it would be ready to the Commission. In the future, once the backlog has been cleared, it will go back to the MCD commanding officer to write the summaries.

Commissioner Sparks asked if it would be appropriate for this Commission to write a letter to the District Attorney requesting that either some type of status report be given to the Commission as to what's happening with the cases and possibly prioritized or expedite officer-involved shooting cases as much as they could. Commissioner Sparks asked that a draft be developed and put on the agenda in the near future. Commissioner Sparks also asked why the Commission was not briefed about prior OIS cases. Captain Keohane stated that the Commission Secretary have been added to the list of people notified whenever there is an officer-involved shooting.

Commissioner Keane asked about the Detoy case. He asked to see the summary with the homicide report regarding the Detoy case. He would also like the reports relating to the shooting of Sheila Detoy and the reports in OIS cases where someone was fatally shot.

Commissioner Orr-Smith thanked Captain Keohane for his report. She would like the Commission to write a letter to the Health Commissioner, Health Commission, the Coroner, and the Health Director to see about getting the death certificates released.

Commissioner Sparks asked if the use of force log have been released to the public in regards to OIS cases. Captain Keohane stated that he can't tell as to each specific OIS cases but stated that with the current OIS case, the names have already been released.

Commissioner Renne stated that this item will be calendared quarterly so that the Commission can see exactly what progress have been made and what actions have been taken and if the proposed deadlines are working.

Commissioner Keane asked for a date certain in regards to information on the Detoy matter.

Commissioner Chan asked that he be excluded from disclosure of information in regards to the Detoy matter until discovery issues are sorted out as well as any concerns that counsel might have in the context of the disciplinary proceeding.

Deputy City Attorney Morley stated that she would like to send the Commission written information as to the status of the Detoy case and will give the Commission some historical perspective on the matter.

Commissioner Renne would like that report by next week.

Commissioner Veronese asked the City Attorney if there's an issue of the Commission being prejudiced by that information. Ms. Morley stated that any information that will be given to the Commission by the City Attorney, they will have perceived with that concern.

Commissioner Veronese asked if OCC can look at the same evidence and give the Commission a summary as well.

Attorney Samara Marion stated that there is General Order 8.11 where the MCD investigation and summary go to the Chief of Police but it also is to go to the OCC and the OCC will review that and to provide recommendations to the Commission. She stated that the OCC have not received MCD investigations or summaries since June 2000 and they have repeatedly asked for that. She stated that there is a mechanism in place but the OCC has not had access to critical information that they require.

Captain Keohane stated that the five reports that were finished, when reviewed by the Chief, will be forwarded to the OCC as part of General Order 8.11.

Commissioner Renne asked that Ms. Marion and Captain Keohane meet and give the Commission a report as to whether or not there has been compliance.

Ms. Marion stated that it is the position of the OCC that they have not received any information about those closed cases.

Commissioner Veronese asked why the OCC has not mentioned to the Commission that they have not received the reports. He stated that there should be some cooperation between OCC and the Police Department to make sure there is compliance of the general orders.

Chief Fong stated that the Department will go back and look to the files from 2000 and insure that all those cases have been complied with in terms of the reports going to the Commission and to the OCC. Chief Fong stated that the five cases that Ms. Marion mentioned went through the review of MCD, Risk Management Office, and the Chief's Office. The summaries could not have been forwarded because the Chief has not read the final draft of the summaries.

Public Comment:

Malaika Parker, Bay Area Police Watch, discussed concerns regarding OIS cases not being made public.

Stephanie regarding the shooting of her brother which happened June

29th. She showed the Commission photos.

Elvira Pollard, Gustava's mother, stated she does not understand the policy regarding officer-involved shootings and why officers that shot her son are still out on the streets.

Silvester Pollard discussed concerns regarding shooting by police.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, stated she's disappointed again and stated she does not know what to do about it and stated that she wants accountability.

Meesha Irizary, Idriss Stelley Foundation, discussed concerns regarding shooting by police and the release of information to the family.

Mother of G. Rugley's son, discussed concerns regarding officer-involved shootings.

Edward Pollack stated that police are corrupt.

Stella Gonzales stated that there should be a Federal investigation in the Cammerin Boyd matter.

Kathy Munoz discussed concerns.

Camilla Boyd, mother of Cammerin Boyd's daughter, discussed concerns regarding officer-involved shootings.

Vanessa Moses discussed concerns regarding the Detoy matter and the Commission to prevent this from happening again.

Unidentified discussed concerns regarding officer-involved shootings.

Unidentified discussed concerns regarding officer-involved shootings.

Unidentified discussed an article regarding an Oakland P.D. shooting.

Commissioner Renne went over the different requests for letters to the D.A., the Health Commission, and asked Sergeant Reilly to circulate those to the Commission. She also asked Captain Keohane and the OCC to get back to the Commission by next week with regard to the summary issue. She asked Deputy City Attorney Morley with regards to the Detoy matter. She also asked Captain Keohane for information in regards to what information have been issued.

Commissioner Keane asked Captain Keohane for any summaries, homicide reports, and any underlying incident reports on the Detoy case. Commissioner Keane also asked, in regards to the 9 cases listed of officer-involved shootings which resulted in death, if any of those have completed the process of having the homicide report and the summary ready, provide the Commission with the materials and for those that are not completed, as they are completed, if the Department can make a practice of doing that.

Commissioner Renne asked that it be calendared for the 15th.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE MODIFICATION OF THE CURRENT 28-DAY WORK PERIOD UNDER THE FAIR LABOR STANDARDS ACT FOR SWORN MEMBERS OF THE DEPARTMENT, SO THAT THE WORK PERIOD BEGINS ON SATURDAY, NOVEMBER 20, 2004, AT 12:01 A.M., AND CONCLUDES ON FRIDAY, DECEMBER 17, 2004, AT 12:00 P.M., AND CONTINUES TO REPORT IN 28-DAY PERIODS**

Continued for a later date.

**COMMISSION ANNOUNCEMENTS**

Commissioner Renne stated that she's been meeting with Sgt. Reilly, Captain Keohane, and City Attorney Morley to try to block out various items that will be heard for the month of December.

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Chan asked for a report at to the clearing of homicide cases.

Commissioner Veronese asked for information protocol as to which Commissioners would like to receive certain information and how certain information should be received. Commissioner Veronese, in regards to General Order 8.11, asked Captain Keohane and the OCC to get together and resolved their differences in the timing of the issues that have been reported and that there be a report to the Commission on outstanding cases that have not been summarized. He also asked for an MOU with the District Attorney's office in how it deals with certain incidents.

Commissioner Orr-Smith asked about the minutes. Sergeant Reilly explained that minutes are being transcribed in the Commission office. Commissioner Orr-Smith also requested for a status report on the development of crowd control procedures on closed quarters specifically in high schools.

Commissioner Sparks asked for a status report on General Order 11.07.

Thereafter, the meeting was adjourned at 8:05 p.m.

Joseph C. Reilly

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, DECEMBER 8, 2004**
**5:30 p.m.**

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

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12-08-04A10:23 RCVD

Pledge of Allegiance; Roll Call

1. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed against Retired Officer Benjamin McAlister (File Nos. C00-281 JWA, C02-214 JWA, and C02-213 JWA ) on the condition that said charges be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

5. Follow-up report from the Police Department regarding the status of pending investigations of officer-involved shootings (DISCUSSION ONLY)
   - Status of OIS summaries forwarded to the OCC by the Police Department
   - Sampling of what documents have been released in OIS cases
   - Status of existing OIS summaries and incident reports in the Sheila Detoy investigation

6. Discussion re: OCC Policy Recommendation #03-05, "Providing Translators" (DISCUSSION ONLY)

7. Approval of Police Commission minutes for the meetings of September 7th and 15, 2004 (ACTION ITEM)

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

LT. EDWARD GEETER
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, DECEMBER 8, 2004
### 5:30 p.m.

**CITY HALL, ROOM 400**
**#1 Dr. Carlton Goodlett Place**
**San Francisco, California**

8. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer William J. Rossi (File No. C04-183 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

9. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, DECEMBER 8, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

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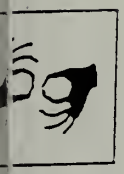

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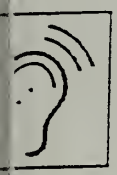

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**DECEMBER 8, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Keane, Sparks, Marshall, Veronese
ABSENT: Commissioner Orr-Smith

**PUBLIC COMMENT**

Shannon Altamoreno, friend of Sheila Detoy, discussed concerns regarding the shooting of Sheila Detoy and why the officers have not been disciplined.

Lorraine Altamoreno, Shannon's mother, discussed concerns regarding the Detoy matter.

Unidentified discussed concerns regarding failure by the Police Department in identifying suspects.

Unidentified discussed concerns regarding MUNI fare increase.

**CHIEF'S REPORT**

**a. Update on significant policing efforts by Department members**

Chief Fong reported on good police work by members of the Department in the different districts. She also reported that the Police Department, along with the Fire Department, the Coast Guards, the Marine Unit and the Port, had a drill to simulate a situation on the water side and how city resources would respond to help in that kind of situations.

Commissioner Veronese asked if the Police Department can track an exile warrant where you would arrest somebody that had a warrant but the warrant would specifically say will not extradite from San Francisco. Commissioner Veronese asked if there's a way to track how many of those people are in San Francisco. Chief Fong stated that she will look into it and respond to the Commission next week.

Commissioner Veronese asked about the bus pass policy for the homeless. Chief Fong stated that there are no bus passes being issued and stated that the department is looking at to address the issues of homelessness. Chief Fong stated that the Department of Human Services does have a program and the Department does not just want to send people away, the department wants to insure that if they are going to go, there's somebody at the other end to care for them, to be with them and to meet with them.

Commissioner Chan inquired about staffing concerns and asked how many officers are being drawn from regular patrol and detailed to special events on a weekly basis. Chief Fong stated that that number would vary depending on the number of special events. She explained that when a special event is permitted then the Department preplans and looks at what on-duty staffing levels are and based on the directions of FOB and the captains at the stations, it is determined on how many can be sent on an on-duty basis. On-duty meaning there would not be additional costs to the Department or to the City for those events if it is an event that is appropriate to send on-duty resources to. If it is not, if it is a special event such as someone having a party, shooting a movie, those are 10B. That's separate staffing that is paid for by those private contractors who are sponsoring that event. Those officers would be participating in an overtime basis and not from on-duty contingency. Chief Fong stated that there will be a presentation in regards to staffing levels within two weeks.

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Commissioner Chan asked about a flyer in regards to 10B overtime in recent 49er football games. Chief Fong stated that she read that flyer and was very concerned about the statement being made and so she directed Deputy Chief Tabak to initiate an investigation to find out about the allegations.

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen reported that he has five investigators attending the officer-involved shooting training seminar in Santa Barbara.

Commissioner Chan asked about how discipline is administered in the City of New York. Director Allen stated that he does not have the information but will call the Commissioner with the information.

Commissioner Renne asked how many people are going from the OCC to this seminar. Director Allen stated that five people are attending and the tuition have been waived.

**DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED AGAINST RETIRED OFFICER BENJAMIN MCALISTER (FILE NOS. C00-281 JWA, C02-214 JWA, AND C02-213 JWA) ON THE CONDITION THAT SAID CHARGES BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE**

Commissioner Marshall explained that this item was on the calendar before and some concerns were raised. He stated that he has been assured that if this officer was to apply to another jurisdiction, a background check would show that he has pending discipline with the San Francisco Police Department.

Sergeant Reilly explained that, from his experience from being a Background investigation, other jurisdictions would do a background check and they will find these findings in the officer's personnel records.

Commissioner Sparks asked if there's any type of statute of limitations where the Commission could no longer bring it back for Commission action. Deputy City Attorney Morley explained that the statute of limitations on police officer discipline is 3304(d) and what that applies to is the time from which the employing agency has noticed that there may be misconduct and the point at which the charges are filed and they have to be filed within a year so the Commission will not have a problem because charges were filed with the Commission in this matter.

Motion by Commissioner Chan, second by Commissioner Sparks. Approved 6-0

**RESOLUTION NO. 99-04**

**HEARING OF OFFICER BENJAMIN MCALISTER, SUPPORT SERVICES (FILE NOS. C00-281 JWA, C02-214 JWA, AND C02-213 JWA)**

WHEREAS, on August 1, 2002, July 12, 2002, and March 27, 2002, former Chief of Police Earl Sanders made and served disciplinary charges against Officer Benjamin McAlister, Star No. 738, Support Services, as follows:

*(File No. C00-281 JWA)*

SPECIFICATION NO. 1
Possession or use of a controlled substance as defined by the Uniform Controlled Substances Act without a valid prescription (violation of Rule I-C-1 of Department General Order 2.03 of the San Francisco Police Department);

SPECIFICATION NO. 2
Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

*(File No. C02-213 JWA)*

SPECIFICATION NO. 1
Refusal to comply with a lawful direction from a superior officer (violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Refusal to comply with a lawful direction from a superior officer and using harsh and profane language toward a superior officer (violation of Rules 10 and 13 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3
Refusal to comply with a lawful direction from a superior officer (violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

*(File No. C02-214 JWA)*

SPECIFICATION NO. 1
Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

WHEREAS, Officer Benjamin McAlister has retired from the San Francisco Police Department, said retirement effective close of business on September 14, 2004; therefore be it

RESOLVED, that said charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Benjamin McAlister, Star No. 738, be, and the same are hereby continued off calendar with the condition that said disciplinary charges be placed back on the Police Commission calendar should Officer McAlister be within the jurisdiction of the Police Commission in the future.

AYES: Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Orr-Smith

**FOLLOW-UP REPORT FROM THE POLICE DEPARTMENT REGARDING THE STATUS OF PENDING INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS**

* **Status of OIS summaries fowarded to the OCC by the Police Department**
* **Sampling of what documents have been released in OIS cases**
* **Status of existing OIS summaries and incident reports in the Sheila**

**Detoy investigation**

Commissioner Renne explained why this item is on the calendar. She stated that at last week's meeting, there was a representative from the OCC come forward and said that there had been no summaries forwarded to the OCC since the year 2000. Commissioner Renne asked Captain Keohane if he looked into that statement and if so, what did he find.

Captain Keohane stated that he looked into the issue. He stated that in regards to the first issue of no officer-involved summaries being delivered to the OCC since June of 2000. He stated that he located 18 officer-involved shooting summaries that have been delivered to the Department in January of 2002. He stated that he found these documents in both the Homicide Detail and also at the Commission office. He stated that he informed Director Allen of these findings and Director Allen did a thorough search of his organization and Director Allen has found 16 of the 18 documents.

As to the second issue of the five most current officer-involved shooting summaries, Captain Keohane stated that the process for providing these summaries to the Commission is first, the OIS investigation is done by the MCD investigator and he/she makes a recommendation to the Lieutenant of MCD. The Lieutenant then takes the case, evaluates it, then makes a recommendation, through him as the Risk Management officer, to the Chief of Police, whether it is in policy or not. When the case is sent to the Chief, the Chief either concurs with the recommendation or not. In the five cases that were presented, the Chief concurred with the investigators' assessment of the situation, the evaluation of the Lieutenant of MCD and of the officer of the Risk Management and signed these cases off as in-policy. Captain Keohane stated that those OIS summaries have not been delivered to OCC because after this step, the next step is the letter is drafted to the Commission, the summary, stating that the Chief's findings of the investigation. At that time when it is forwarded to the Commission, a copy is forwarded to the OCC. Those five OIS summaries were delivered to the Commission today and they were also delivered to the OCC.

Commissioner Renne asked Director Allen, with regard to the question of the OCC representative saying to this Commission there had been no summaries, do you agree that in fact there were summaries delivered to the OCC, 16 to 18.

Director Allen stated that yes but he also stated that on August 11th he told the Commission, after Captain O'Leary mentioned that he had 26 cases that were outstanding, he stated that in 2002 the OCC had received a lump sum of 16 to 18 cases.

Commissioner Renne stated that it was quite a misstatement and it caused concern and she is glad it's been cleared up.

Commissioner Keane asked what information has been given to the Commission and to the public relating to the Detoy case and asked Captain Keohane if the summary relating to the Detoy case ever given to the Commission and if it was ever done. Captain Keohane stated no it was not given to the Commission and it was never done. Captain Keohane explained that Homicide did make a summary for the Detoy case but he stated that he is waiting for the City Attorney's opinion before releasing any documents to the Commission. Captain Keohane explained that when the Homicide Detail completes their investigation, they complete a summary report. This summary report and other articles from their homicide investigation are then forwarded to MCD which then conducts an administrative investigation. That homicide summary becomes part of the MCD investigation. The Homicide summary goes through the Chief for her review to make sure she agrees with their

findings on the criminal nature of that case. The MCD then does the administrative investigation and provides a summary. The MCD summary goes to the Chief of Police to determine, for her review, whether it's in policy or not. Both of these files are then taken, put together, and a summary report is drafted for presentation to the Commission. He stated that in the Detoy case, the Department has a completed Homicide investigation with a summary and an MCD investigation with a summary. What the Department has not located is the letter to the Commission on the OIS summary that would be presented to the Commission.

Commissioner Keane asked that in regards to the Detoy case of six years ago, the only thing lacking is the transmission letter to the Commission and aside from that the summary materials and everything else were to be submitted to the Commission along with the transmission letter and the Department do not have the transmission letter. Captain Keohane stated that he would not call it a transmission letter and explained that what is presented to the Commission is an OIS summary of the case that summarizes the investigation and that is all that is forwarded to the Commission. Commissioner Keane stated that the Commission never got that summary and asked why. Captain Keohane stated he cannot answer that question.

Commissioner Keane asked Captain Keohane if he sees any obstacles in regard to releasing that to the Commission. Captain Keohane stated that he is waiting to the City Attorney's opinion as to what information should be presented to the Commission, since they may be the trier of fact in the administrative case. Captain Keohane explained, as far as the sampling of what documents has been released in OIS cases, there are all the police reports and supplemental reports, statements from the witnesses, crime scene log, the OIS summary report from Homicide, all attachments, the crime scene investigation report, evidence inventory, diagrams, reports of laboratory examinations, latent fingerprint requests, requests for records, computer assisted dispatch records, pictures of the evidence, the medical examiner's report, and the interview transcript and the tapes of interviews. Captain Keohane stated that those are the type of materials that would be provided. As far as the Detoy case, the question wasn't whether these materials can be released but whether they should be given to the Commission for review prior to hearing the possible administrative case and that what he's waiting for the City Attorney's opinion. Captain Keohane stated that he has the documents in his office and they can be replicated and delivered.

Commissioner Keane stated that in regard to anything that they are entitled to get, as a Commission, they should get it at the time they are entitled to get it and they have to get that in order to carry out their functions as a Commission. He stated that the Commission, because they sit as quasi judicial officers in the hearing process relating to discipline, that the Commission have to be protected and not look at certain things because it might bias them in regard to those hearings, Commissioner Keane stated that he finds that completely unacceptable. He stated that the Commission can look at the evidence that's presented to them in a hearing and decide totally on the basis of that evidence and not on the basis of the fact that they may have heard something or seen something in the past.

Commissioner Sparks asked if the Commission is getting that level of detail or are they just getting a summary. Captain Keohane stated that the Commission is getting a summary but if the Commission wants that level of detail, the Commission can get it.

Commissioner Renne stated that the summary gives them exactly that, a summary, but if the Commission wants more detail with regard to an incident, the Commission could have it.

Commissioner Veronese asked if that summary is given to the District Attorney also and do they use that same summary in coming up whether or not they are going to press charges or is that a summary that happens afterwards and they do that independently. Captain Keohane stated that he can't speak to the District Attorney's processes but from the cases that he has reviewed, the OIS summary is presented to the Chief after the District Attorney has concluded their investigation because there will be a recommendation or a notation whether there was any criminal acts involved or not and the Department will need the District Attorney's report before that is sent forward. Commissioner Veronese asked if the Commission can see and take a look at a summary so that they can see and understand what is being talked about here.

Commissioner Veronese asked about the 18 reports and if they are reports of incidents that occurred prior to June of 2000. Captain Keohane stated that it began in January of 1998 and the last incident was in October of 2000. Commissioner Veronese asked, out of the 29 cases that are pending, are summaries done on any of those cases. Captain Keohane stated that out of the 26 cases that were originally presented to the Commission, five of those cases have been completed to the extent that they have gone through the MCD evaluation, the Risk Management evaluation, and they have been signed off as in-policy by the Chief of Police. Those summaries have been presented to the Commission's office today. Captain Keohane stated that there is 24 cases pending in various stages of investigation.

Commissioner Veronese asked, out of the 18 case summaries given to OCC, were the actual investigative files given to OCC as well. Captain Keohane stated he does not have that information. Commissioner Veronese asked about the five summaries given to the Commission today, were they given to OCC. Director Allen stated that he does have 16 summaries as well as the investigative files and for the five that have just been delivered, he just received the summaries.

Commissioner Renne stated that she did follow up on the suggestion of the Commission to send a letter to the DA because of the question of how our review of OIS were fitting in with what they were doing She stated that the DA's office is also going through all their OIS shootings and that Deputy Chief Tabak has been working with the DA's office and updating the protocol so it's very clear as to who is supposed to be doing what and to better coordinate them. Captain Keohane stated that some of the changes in protocols have been made already and protocols initiated. He explained that now in a OIS shooting, the homicide inspector that respond to the scene, takes charge of the investigation, will be pulled off their on-call status and they will remain with that shooting until the case is close. Deputy Chief Tabak has also instructed the new Crime Lab Director that in an OIS any forensic work that has to be done will go to the top of the list and it will be done immediately and will be worked on until the case is closed. Furthermore, to make sure that the most relevant evidence is processed first and have a time line to make sure everything is done in the most efficient manner, within 48 hours of an OIS, the District Attorney investigators, the District Attorney, the Homicide investigators, the investigations' Captain and the Director of the Crime Lab, they are all going to meet and plan out a strategy for the investigation to make sure it's done in a complete manner. Further steps that needs to be done is the Department wants the Homicide Unit to meet with Risk Management and MCD to set up a format for an OIS manual that will show complete steps on what should be taken and what time, what materials should be in what folder, and at that time, the Department will be able to provide the Commission with a complete accurate package within the time limits that will come up in the new General Orders.

Commissioner Sparks asked for a written summary of what Captain Keohane has just said.

Commissioner Keane he would be satisfied with the level of detail that Captain Keohane mentioned in regards to the Cammerin Boyd matter.

Commissioner Marshall stated that he is bothered by the Detoy matter and that six years is just insane. Captain Keohane stated that that case is closed and that the only thing that has not be delivered to the Commission is the summary.

Commissioner Keane asked if the Commission can meet next week in Closed Session with the City Attorney in regard to the Detoy case and the whole question of what can and cannot be seen by the Commission.

Commissioner Chan stated that he has convened a status conference in regards to the Detoy matter and have set February 4th for further status conference and the reason is that he was informed by the City Attorney that the matter of the writ proceedings that were filed against the city by the officers is set for a hearing on January 28th before Judge Warren in Superior Court.

Commissioner Sparks stated that she will submit a public records act request to obtain copies of the summaries and investigations regarding the Detoy matter.

PUBLIC COMMENT:

Shannon Altamoreno stated that it takes a long time to get copies of documents from the Department and it is completely unacceptable. She discussed concerns that an investigation was done but nothing has been done to the officers involved.

Marylon Boyd, Campaign for Justice for Cammerin Boyd, hopes that this Commission will put an end to the ability of the POA to prevent justice to be served in this community in this city.

Elvira Pollard, Gus Rugley's mother, discussed concerns regarding officer-involved shooting policies and procedures.

Betty, on behalf of Gus Rugley and Robert Edwards, discussed concerns regarding the police shooting of Robert Edwards.

Theresa Coleman discussed concerns regarding officer-involved shootings.

Camilla Boyd discussed concerns regarding release of documents to families.

Everett Pollard, on behalf of Gus Rugley, discussed concerns regarding officer-involved shootings.

Sylvester Pollard discussed concerns regarding the shooting of Gus Rugley.

Tasia, Gus Rugley's cousin, stated that the youth is scared of police officers and there's no programs available to the youths in the city.

**DISCUSSION RE: OCC POLICY RECOMMENDATION #03-05, "PROVIDING TRANSLATORS"**

Director Allen presented the OCC policy recommendation. He explained that the way the bulletins are written currently, people had a hard time expressing their need for a translator to the police. This policy is written to provide an opportunity for, not only the officer who is involved in the situation to call upon a translator if they feel they are having a difficult time understanding somebody, but also for the public, the person who is speaking to the officer, whether the person is a victim of a crime or a suspect or just somebody who needs police attention, it provides ways for the officer to determine that a translator shall be called and who should be used.

Commissioner Marshall asked if the Department has seen this revision. Director Allen stated that yes, the Department has seen the revision and will

speak on that revision. Director Allen stated that the "should" and the "shall" was the issue.

Commissioner Sparks asked about complaints made and asked if the department bulletin solved the problems or not. Director Allen stated that he doesn't know because the complaints that he has are from before the bulletin was issued.

Sergeant Mike Sullivan, ADA Coordinator for the Department, gave some historical background in regards to this issue. He stated that the Director mentioned Chinese for Affirmative Action and other and Sergeant Sullivan stated that the bulletin that went out was describing the institution of the language line, how to use the contract number. While that was happening, the Department was also meeting with Chinese for Affirmative Action, Protection Advocates, Inc., in Oakland, and some other members of the community about the language issue and there has been a roll call training put out with a video on how to use the language line. It covered some of the issues about when people are confused about language or when an officer shows up and the officer's knowledge of the language isn't enough to get across the legal points then they go to the language line.

Sergeant Sullivan stated that his concern in regards to the order is that the timing might be a little premature because he has been talking to people and is committed to going back to them and he would like to go back to them and get their input. Another concern is Item F on the second page, Sergeant Sullivan stated that that is something that the Department needs to sit down with a 911 dispatcher call taker to insure that they grab that information at the initial part of the call so that the officers can have something getting there. Sergeant Sullivan stated that his feeling towards the general order, as a policy format, it sounds good but to lock into a general order that is not a living document, they tend to stagnate and require change and go through the process of getting it back to the Commission to get approved, he feels that, from his part, it would be disingenuous for him not to go back to the community that he started with and say this is what we're working on, you've seen what we've done, where do we go next. Whether it's a video or more training or something but it's not right to go back to them. He stated that there is a follow-up meeting and at that follow-up meeting, he'd like to pursue where they should go next with these issue and also the information that the Director is providing in terms of the particular issues that came up in the different cases that they have and in addition not to leave out deft and hard of hearing who also have translations, interpreters issues that need to be addressed.

Commissioner Chan asked if there are any language offerings at the Academy that would enhance the ability to communicate to further police functions. Sergeant Sullivan stated that he does not know of any classes that are being offered that way.

Commissioner Chan asked Director Allen if the word "shall" is used and therefore obligate a member to exercise an affirmative duty, presumably the violation of the mandatory provisions of this DGO would be a cause for discipline, would it not. Director Allen stated it would be a cause for investigation. Commissioner Chan stated it would be a cause for investigation into whether or not a punishable offense had occurred for failing to abide by the mandatory terms of this order. Director Allen stated that is correct. Commissioner Chan asked that if the standard is the ability to communicate, then why is there is a seven factor test that would be required of members to apply in their consideration as to whether a translator should be summoned. Commissioner Chan stated that this is going to be a very complicated calculus that a member on the street and in the interaction would not necessarily have the list in front of them as to the seven factor test to be applied in determining whether or not the duty to summon the translator would become mandatory.

Director Allen explained that they were trying to find all the various ways that somebody would be able to determine that there is confusion in communication. Director Allen also stated that his agency cannot cover every possible scenario and that in speaking with the Department, he understood that there may be occasion where someone may fake that they need a translator to slow down an investigation but OCC is trying to be more inclusive than less inclusive. If there is an investigation and its shown that there are 12 people who faked that they need translators and shown later that to be not the case, then they would not be disciplined. Director Allen explained that they probably have not considered every possible scenario and he does understand the difficulty in implementing this but what they are trying to do is be as inclusive as possible and it is open for discussion and he welcomes any language that walks that fine line. Commissioner Chan stated that his only concern is whether or not the Department is providing sophisticated parties with the ability to make mischief based on a rule that obviously is well intentioned because of drafting. Director Allen stated this is the first draft and he has no problem in taking the concerns of the Commission and the public and the Department into consideration but it was very important to get a document drafted.

Commissioner Chan asked Director Allen in what manner the current Departmental bulletin is insufficient to address the situation in this interim period. Director Allen stated it looks at the situation strictly from the side of the member, the officer who's in the situation and he feels that just leaving the discretion on the officer falls short of their obligation.

Commissioner Renne asked about the language that says "officers should not rely upon family members or others who are emotionally involved to provide translation assistance." Commissioner Renne stated that she agrees with "emotionally involved" but what concerns her is that she can think of a number of circumstances where a family member would be the one person that, particularly if there's a lot of stress going on, that somebody would rely on. Director Allen stated that he did address that with Ms. Marion and that is something that they wanted to look at.

Commissioner Veronese asked if there will be any fiscal impact. Director Allen explained they are focusing on victims and people that placed the calls and sure it may cost money to call the language line but if it addresses the situation remove someone from danger, he can't give how much this will cost.

PUBLIC COMMENT:

None

**APPROVAL OF POLICE COMMISSION MINUTES FOR THE MEETINGS OF SEPTEMBER 7TH AND 15, 2004**

Motion by Commissioner Sparks to approve the minutes. Second by Commissioner Veronese. Approved 6-0.

**COMMISSION ANNOUNCEMENTS**

a. **Assignment of disciplinary charges filed against Officer William J. Rossi (File No. C04-183 JWA) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

**RESOLUTION NO. 100-04**

**ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER WILLIAM J. ROSSI (FILE NO. C04-183 JWA)**

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer William J. Rossi, Star No. 514, Traffic, was called it having been set for this date; and

WHEREAS, Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William J. Rossi; therefore be it

RESOLVED, that Commissioner Douglas Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William J. Rossi, and is to be set at a later date.

| | |
|---|---|
| AYES: | Commissioners Renne, Chan, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Orr-Smith |

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne stated there will be a Closed Session next week and some general orders that might be on the calendar next week.

Commissioner Sparks asked about OIS investigations that have not been completed and asked the Chief if she can report whether or not all the officers involved in all 29 pending OIS investigations are on administrative duty.

Commissioner Chan asked as to when the Commission can begin the process of a permanent replacement for Lt. Geeter as Police Commission Secretary.

Commissioner Veronese asked that the meeting be adjourned in memory of Eric Allen who past away on Thanksgiving Day.

Thereafter, the meeting was adjourned at 8:37 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

# The Police Commission

**CITY AND COUNTY OF SAN FRANCISCO**

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, DECEMBER 15, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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***CLOSED SESSION (5:00 p.m. in Room 400)***

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (ACTION ITEM)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Israel Flores v. City and County of San Francisco, USDC No. C03-4262 SBA
   b. Breslin et al. vs. City and County of San Francisco, Superior Court No. 04-504029

***OPEN SESSION (5:30 p.m.)***

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of the Consent Calendar (ACTION ITEM)

6. Public Comment
   ***(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)***

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

# The Police Commission

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## SAN FRANCISCO POLICE COMMISSION AGENDA

**REGULAR MEETING**
**WEDNESDAY, DECEMBER 15, 2004**
**5:30 p.m.**

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. Discussion and possible action to authorize the Chief of Police to apply for, accept, and expend funds from the Governor's Office of Emergency Services (OES) to implement the "Violence Against Women-Law Enforcement Specialized Units Program" (ACTION ITEM)

10. Discussion and possible action to approve revised Department General Order 7.01, "Juvenile Policies and Procedures" (ACTION ITEM)

11. Discussion and possible action to set the location(s) of one or more of the monthly "district"Commission meetings, which are held in a neighborhood location, to discuss issues arising in the particular police district (ACTION ITEM)

12. Discussion and possible action to elect Police Commission Officers (ACTION ITEM)

13. Commission Announcements (DISCUSSION ONLY)

14. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

## CONSENT CALENDAR

1. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   a. Israel Flores v. City and County of San Francisco, USDC No. C03-4262 SBA

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Commissioner

SERGEANT JOE REILLY
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

### REGULAR MEETING
### WEDNESDAY, DECEMBER 15, 2004
### 5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

**The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

***KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE***
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

***FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine***

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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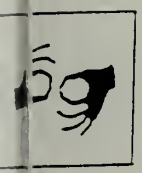
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION



Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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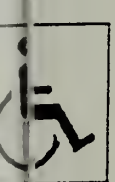
ee ing agendas and other print materials will be made available in alternate formats
or puter disk, cassette tape, large print or Braille) upon advance request at least 72
u s at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at
3 343 (v) or 558 2406 (tty). Late requests will be honored if possible.

di iduals with severe allergies, environmental illness, multiple chemical
n itivity or related disabilities should call 553 1343 to discuss meeting accessibility.
o der to assist the City's efforts to accommodate such people, attendees at public
ee ngs are reminded that other attendees may be sensitive to various chemical
se d products.

e roceeding will be held at: City Hall, Room 263
31 Dr Carlton B. Goodlett Place, San Francisco

ce sible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness, 5 Fulton, 31 Balboa
r iformation about MUNI service call 923 6142

e losest BART Station is: Civic Center



Accessible parking

or information about the meeting call 553-1667 (v) or 553-9194 (tty)

**DECEMBER 15, 2004** **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:05 p.m., in Closed Session.

PRESENT: Commissioners Renne, Orr-Smith, Keane, Sparks, Marshall
ABSENT: Commissioners Chan, Veronese

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Keane to hold Closed Session. Second by Commissioner Marshall. Approved 5-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)**

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Israel Flores v. City and County of San Francisco, USDC No. C03-4262 SBA
b. Breslin et al. vs. City and County of San Francisco, Superior Court No. 04-504029

**DECEMBER 15, 2004** **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:18 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Orr-Smith, Keane, Sparks, Marshall, Veronese
ABSENT: Commissioners Chan

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Orr-Smith not to disclose any or all discussion held in Closed Session. Second by Commissioner Keane. Approved 6-0.

**APPROVAL OF CONSENT CALENDAR**

Motion by Commissioner Keane to approve the Consent Calendar. Second by Commissioner Marshall. Approved 6-0.

**RESOLUTION NO. 101-04**

**ISRAEL FLORES v. CITY AND COUNTY OF SAN FRANCISCO**

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Israel Flores v. City and County of San Francisco," in USDC No. C03-4262 SBA, be, and the same is hereby

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approved.

Date of Incident: September 18, 2002

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks, Veronese
ABSENT: Commissioner Chan

**PUBLIC COMMENT**

Mr. Stipman discussed concerns.

Unidentified discussed concerns regarding non-disclosure of discussion regarding the Breslin matter in Closed Session.

**CHIEF'S REPORT**

**a. Update on significant policing efforts by Department members**

Chief Fong gave an update on the great work of the men and women of the Police Department during the past week.

Chief Fong asked to be excused at 7:15 p.m. because of a presentation of bicycles, a cooperation between the Elks Club, the Sunset Scavenger, and the California Medical Facility and Vacaville State Prison. Chief Fong stated that all these groups refurbish bicycles that are collected and these bicycles will be given to children who are identified from the Tenderloin District.

PUBLIC COMMENT

None

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

Director Allen reported that revisions done on DGO 7.01 and the revisions for the translator DGO was put up on their website. He also asked if Samara Marion could come up and speak in regards to DGO 7.01.

PUBLIC COMMENT

Mesha Irizarry was wondering what the status of the OCC centralization intake to various community organizations.

Camilla Blake, Justice for Cammerin Boyd Campaign, discussed concerns regarding officer-involved shooting victims and information provided to the family.

Isabel Boyd, grandmother of Cammerin Boyd, discussed concerns regarding information provided to the Boyd family.

Francisco DeCosta discussed concerns regarding information released to the public.

Evan Pollack, on behalf of Gus Rugley & Cammerin Boyd, discussed concerns regarding release of information to the families.

Lorraine Altamoreno discussed concerns regarding OIS shootings.

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "VIOLENCE AGAINST WOMEN-LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM"**

Officer Phil Fleck, Grant Unit, explained the grant.

Commissioner Veronese stated that he might have to recuse himself in regards to this matter because he is on the California Commission of Justice and he believes that this grant may come before him.

Motion by Commissioner Keane to excuse Commissioner Veronese from voting on this matter. Second by Commissioner Marshall. Approved 5-0

PUBLIC COMMENT:
None

Motion by Commissioner Orr-Smith to authorize the Chief of Police to apply for the grant. Second by Commissioner Keane. Approved 5-0.

**RESOLUTION NO. 102-04**

**APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO APPLY FOR, AND TO ACCEPT AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "VIOLENCE AGAINST WOMEN-LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM"**

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to apply for and to accept and expend funds from the Governor's Office of Emergency Services (OES) to implement the "Violence Against Women-Law Enforcement Specialized Units Program," including any augmentations, extensions, and modifications.

AYES: Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks
RECUSE: Commissioner Veronese
ABSENT: Commissioner Chan

**DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED GENERAL ORDER 7.01, "JUVENILE POLICIES AND PROCEDURES"**

Commissioner Renne stated that she finds the title of this general order quite misleading because it is very limited as to what it covers. She stated there should be more broad policies.

Captain Ashe, Juvenile Unit, stated that she spoke with Chief Fong and they did agree to change the title of this general order. She stated that one of the choices was to change the title to put more accurately reflect what it actually is which is juveniles taken into a non-secure custodial confinement in police facilities and at the end to provide references to the other documents in the department that help illuminate the Department's juvenile procedures which addressed many of the comments received from CARC, the Youth Commission, the Public Defender's Office, Huckleberry House, and OCC. Captain Ashe stated that the Department needs a Juvenile Procedural Manual.

Commissioner Orr-Smith asked if there were any suggestions from the different agencies that possibly could be integrated and included in a general order at this time. Captain Ashe stated that yes and stated that some of David Steinberg's language can be incorporated and stated that hopefully this time next month the General Order can be revised.

Commissioner Veronese stated that the Commission should look at a protocol to make sure that approval of general orders can be moved along faster.

Ms. Samara Marion, OCC Attorney, highlighted some of the areas that can be remedied right now in 7.01. She stated that when juveniles are taken into detention but are not brought into the facility, there are no guidelines concerning this. She stated there needs to be guidelines. She stated that there is nothing in 7.01 that says that officers can only transport for a lawful purpose and nothing requiring parental notification when officers take children and

youth off the street. There is nothing requiring that kind of documentation. She stated that if this is a document that deals with juveniles being taken from the street to custodial facilities and it's covering detentions and it's covering arrestees, it needs to cover those kind of situations. She stated that the way this document is structured, it's for individuals who are taken to facilities.

She stated that juveniles should not be brought to district stations, which is the common practice, and these rules should state the exceptions as to when they need to be brought there but the philosophy that they're not brought there is embodied in the document so there's a situation where the practice does not represent what is going on.

She stated that OCC is happy that the Department would include language concerning Miranda but she asked that it be more than just who has to provide Miranda. She stated that nothing in this document lays out what the rights of juveniles are. This document addresses when juveniles are taken to the station and it should include the kinds of protections that juveniles should be given.

Commissioner Orr-Smith would like to get recommendations from the Department and the OCC about the various community organizations that would be included and involved in the making of this policy.

Commissioner Veronese asked that because the procedures regarding juveniles are so detailed, what kind of training will the Department provide the officers and what's the fiscal impact if at all. Captain Keohane stated that the Department welcomes working with OCC and all the agencies to put together the comprehensive policy but as far as the training goes and how much the Department will need, Captain Keohane stated that many of the recommendations that the OCC has put forward are already part of the General Orders that officers have been trained in. The number of the issues that have come up are within the Crowd Control Manual already.

Captain Keohane stated that other measures taken by the Department are some of the OCC policy recommendations for response to incidents on school grounds is being put together by FOB and they are pretty much set and are ready to move forward with those.

Commissioner Renne announced that there is a letter on file from the president of the San Francisco Unified School District asking to be informed of any policies that this Commission might be considering that have to do with the schools.

Captain Keohane stated that the school district did sign an MOU in regards to community policing on school campuses last night at their meeting.

PUBLIC COMMENT:

Peter Loderborne, SF Youth Commission, spoke about their concerns in regards to General Order 7.01.

Mark Hall, Youth Justice Committee, discussed concerns regarding the general order and read a written statement regarding changes to the general order.

Chanel Rose, Juvenile Justice Committee, talked about diversion for juveniles.

Francisco DeCosta, Director of Environmental Justice Advocacy, talked about issues in the environment that affect the youths.

Denise Coleman, Director of CARC, stated that this general order is of particular importance because there is a distinct difference between arrest, holding, and detention of adults and young people. She stated that this policy has to uphold that difference. She spoke about the Juvenile Detention

Alternative Initiative (JDAI). She stated that the JDAI is looking specifically at unnecessary detention with the focus on disproportionate minority confinement. She asked the Commission to approve the recommended changes as well as convening a committee to create a comprehensive juvenile justice policy and procedures manual.

Ioka Turner, SF Youth Commission, appreciates the Department's willingness to create a comprehensive policy, particularly Captain Ashe. She handed out letters from various community organizations who also supports the various recommendations mentioned tonight. She stated that her overall impression of the general order is the problem of tone. She stated that she thinks the philosophy of this document is wrong. She asked that the Commission consider the input made by the various community groups in making the changes to the general order.

Motion by Commissioner Marshall to continue this item. Second by Commissioner Orr-Smith. Approved 6-0.

**DISCUSSION AND POSSIBLE ACTION TO SET THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT" COMMISSION MEETING, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION, TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT**

**RESOLUTION NO. 103-04**

**SETTING THE LOCATION(S) OF ONE OR MORE OF THE MONTHLY "DISTRICT" COMMISSION MEETINGS, WHICH ARE HELD IN A NEIGHBORHOOD LOCATION, TO DISCUSS ISSUES ARISING IN THE PARTICULAR POLICE DISTRICT**

RESOLVED, that the Police Commission will hold community meetings on the last Wednesday of every month;

FURTHER RESOLVED, that the following District Meetings will be held in the following Police Districts:

| | |
|---|---|
| January 26, 2005 | Mission Station |
| February 23, 2005 | Northern Station |
| March 30, 2005 | Tenderloin Station |
| April 27, 2005 | Central Station |
| May 25, 2005 | Southern Station |
| June 29, 2005 | Taraval Station |

| | |
|---|---|
| AYES: | Commissioners Renne, Orr-Smith, Keane, Marshall, Sparks, Veronese |
| ABSENT: | Commissioner Chan |

**DISCUSSION AND POSSIBLE ACTION TO ELECT COMMISSION OFFICERS**

Commissioner Renne explained that she put this on the agenda because the bylaws under the old Commission states that officers have to be elected in December or the first meeting in January to take place in office in January. Commissioner Renne asked if the bylaws need to be changed because each member of the Commission term of office expire on April 30th and have officers elected in May or after April 30th.

Motion by Commissioner Keane to continue election of officers and to change bylaws in January so the officers will be co-terminus with the establishment of the new Commission. Second by Commissioner Marshall. Approved 6-0.

PUBLIC COMMENT:

Unidentified discussed concerns regarding having a police officer in the Commission.

**COMMISSION ANNOUNCEMENTS**

Commissioner Renne announced that there will be no meeting on the 22nd and the 29th of December due to the holidays.

PUBLIC COMMENT:

None

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Veronese would like to see if the Department could get a clear understanding from the Health Department as to what its role is in the homeless issue.

Commissioner Sparks would like Director Allen on the progress in training community groups to do intake. She also asked that under the Chief's report a discussion as to OIS summaries when released, do family members receive those summaries and whether or not they are placed as an attachment to the agenda of the Commission. She also asked the Chief to report as to her progress in working with the DA's office in coming up with a process to expedite release of OIS reports.

Commissioner Keane asked that the Commission get the information in the Boyd case and stated that this Commission should see the materials.

Commissioner Orr-Smith asked for the Department's Efficiency Plan.

PUBLIC COMMENT:

Marylon Boyd, Campaign for Justice for Cammerin Boyd, thanked Commissioner Keane and Sparks and asked about the letter from the Commission to Kamala Harris.

Commissioner Renne announced that the Department and the District Attorney's Office have been meeting to create a protocol as to the processes that are to be followed between the District Attorney's Office and the Police Department.

Thereafter, the meeting was adjourned at 7:53 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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# The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
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THERESA SPARKS
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DR. JOE MARSHALL
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JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

## SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
cancelled for
WEDNESDAY, DECEMBER 22, 2004
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

***The Police Commission has adjourned until January 5, 2005.***

***The Commission will not meet on December 22nd or December 29th 2004.***

***Please join the Commission at its next meeting on Wednesday, January 5, 2005.***

**Public Notice**
(CCSF Charter Art. IV, Sec 4.104.1)

At its meeting on December 15, 2004, pursuant to Rule 2.3 of the Police Commission Rules of Order, the Commission voted to continue Commissioner Louise Renne as Commission President and Commissioner Gayle Orr-Smith as Commission vice-President. At its meeting on January 5, 2005, the Police Commission will hold a public hearing and then discuss and possibly take action to amend Rule 2.3 so that the term of office for Commission President and vice-President coincides with the anniversary date of appointment to the Commission.

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SERGEANT JOE REILLY
Secretary

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